

S E C O N D
R E P O R T .

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

L A N D L A W (I R E L A N D);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

M I N U T E S O F E V I D E N C E,

AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,
18 August 1882.*

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SECOND REPORT.

BY THE SELECT COMMITTEE appointed to inquire into the Working of recent Legislation in reference to LAND in IRELAND and its Effect upon the Condition of the Country; and to Report to the House, and to whom leave was given to Report from time to time.

ORDERED TO REPORT,

THAT your Committee have, since their former Report, taken the evidence of several witnesses on the matters referred to them.

Much of this evidence relates to the manner in which the provisions of the Land Act have been acted on by the various Sub-Commissioners throughout Ireland, and your Committee were desirous of hearing the evidence on this subject of the Sub-Commissioners themselves, or of some of them. It was, however, represented to your Committee, in the correspondence with the Commissioners, set out in the Appendix (B.), that public inconvenience would have been occasioned by summoning any of the Sub-Commissioners to London at this period of the year, and your Committee in consequence abstained from doing so. Your Committee, however, feel that the inquiry, without this evidence, as well as in some other respects, is still incomplete; and in reporting the evidence already taken, they recommend the re-appointment, next Session, of the Committee, with a view to continue the inquiry.

And the Committee have directed the Minutes of Proceedings and the Evidence taken before them, up to the present time, to be laid before your Lordships.

1st August 1882.

ORDER OF REFERENCE.

Die Veneris, 24^o Februarii, 1882.

LAND LAW (IRELAND).

Moved, That a Select Committee be appointed to inquire into the working of recent legislation in reference to land in Ireland, and its effect upon the condition of the country (The Viscount Hutchinson); objected to; and, after long debate, on Question, *agreed to*. Committee appointed accordingly.

Die Veneris, 24^o Februarii, 1882.

Land Law (Ireland): Select Committee on: *Moved*, That the Lords following be named of the Committee:

Duke of Norfolk.	Earl Clarendon.
Duke of Somerset.	Earl Cairns.
Duke of Marlborough.	Viscount Hutchinson.
Marquess of Salisbury.	Lord Tyrone.
Marquess of Abercorn.	Lord Carysfort.
Earl of Pembroke and Mont- gomery.	Lord Kenry.
Earl Stanhope.	Lord Penzance.
	Lord Brabourne.

After debate, *agreed to*: The Committee to meet on Tuesday next, at One o'clock, and to appoint their own Chairman.

Die Lunæ, 6^o Martii, 1882.

The Duke of Sutherland added to the Select Committee in the room of the Earl of Clarendon.

Die Lunæ, 13^o Martii, 1882.

The Evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to Members of the Committee, until further order.

Die Veneris, 28^o Aprilis, 1882.

Leave given to the Select Committee to report from time to time: First Report (with the Proceedings of the Committee) made and to be printed; Minutes of Evidence up to this time, together with an Appendix thereto, laid upon the Table, and to be delivered out.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH
SITTING OF THE COMMITTEE.

Die Veneris, 5^o Maii, 1882.

LORDS PRESENT:

Duke of Norfolk.
Marquess of Salisbury.
Earl of Pembroke and Mont-
gomery.

Earl Stanhope.
Viscount Hutchinson.
Lord Tyrone.
Lord Brabourne.

VISCOUNT HUTCHINSON in the Chair (in the absence of the EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined, viz., Mr. John Atkinson, Q.C., and Mr. William Seymour Bird (*vide* the Evidence).

Ordered, That the Committee be adjourned till Friday, the 19th of May, at Twelve o'clock.

Die Veneris, 19^o Maii, 1882.

LORDS PRESENT:

Duke of Marlborough.
Duke of Sutherland.
Marquess of Salisbury.
Earl of Pembroke and Mont-
gomery.
Earl Stanhope.

Earl Cairns.
Viscount Hutchinson.
Lord Tyrone.
Lord Carysfort.
Lord Kenry.
Lord Brabourne.

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday, the 5th of May, are read.

The following Witnesses are called in, and examined, viz., The Earl of Belmore and Mr. Richard Adams (*vide* the Evidence).

Ordered, That the Committee be adjourned till Thursday, the 15th of June, at Twelve o'clock.

Die Jovis, 15^o Junii, 1882.

LORDS PRESENT:

Duke of Norfolk.
Duke of Somerset.
Marquess of Salisbury.
Earl of Pembroke and Mont-
gomery.

Earl Cairns.
Viscount Hutchinson.
Lord Carysfort.
Lord Brabourne.

THE EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday the 19th of May are read.

The following Witnesses are called in, and examined, viz., Mr. *R. Wade Thompson* and Sir *Samuel Hayes, Bart.* (*vide the Evidence*).

Ordered, That the Committee be adjourned till Thursday next, at Twelve o'clock.

Die Jovis, 22^o Junii, 1882.

LORDS PRESENT:

Duke of Somerset.
Marquess of Salisbury.
Marquess of Abercorn.
Earl of Pembroke and Mont-
gomery.

Earl Cairns.
Lord Tyrone.
Lord Carysfort.
Lord Kenry.
Lord Brabourne.

THE EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined, viz., Mr. *Samuel Murray Hussey*, Mr. *Arthur Fitzmaurice*, and Mr. *Forster Dannevoody* (*vide the Evidence*).

Ordered, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

Die Martis, 27^o Junii, 1882.

LORDS PRESENT:

Duke of Norfolk.
Duke of Somerset.
Duke of Sutherland.
Marquess of Salisbury.

Marquess of Abercorn.
Earl Cairns.
Viscount Hutchinson.
Lord Tyrone.

THE EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Thursday last are read.

The following Witnesses are called in, and examined, viz., Rev. *Robert Walsh*, Mr. *Joseph Wright*, and Mr. *Harry S. Saxeby* (*vide the Evidence*).

Ordered, That the Committee be adjourned till Friday next, at Twelve o'clock.

Die Veneris, 30^o Junii, 1882.

LORDS PRESENT:

Duke of Somerset.	Earl Cairns.
Marquess of Salisbury.	Viscount Hutchinson.
Marquess of Abercorn.	Lord Tyrone.
Earl of Pembroke and Mont- gomery.	Lord Carysfort.
	Lord Brabourne.

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Mr. *Henry A. Johnston*, Mr. *Alexander D. Kennedy*, Mr. *S. N. Hutchins*, and Mr. *W. G. Gubbins* (*vide* the Evidence).

Ordered, That the Committee be adjourned till Friday next, at Twelve o'clock.

Die Veneris, 7^o Julii, 1882.

LORDS PRESENT:

Duke of Somerset.	Viscount Hutchinson.
Marquess of Salisbury.	Lord Tyrone.
Marquess of Abercorn.	Lord Kenry.
Earl Stanhope.	Lord Brabourne.

The LORD TYRONE in the Chair (in the absence of the EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The following Witnesses are called in, and examined, viz., Colonel *John O'Callaghan*, Captain *Baptist Johnston Barton*, Mr. *Charles Henry Lloyd*, and Mr. *James Greer* (*vide* the Evidence).

Ordered, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

Die Martis, 11^o Julii, 1882.

LORDS PRESENT:

Duke of Norfolk.	Earl Cairns.
Duke of Somerset.	Viscount Hutchinson.
Marquess of Salisbury.	Lord Tyrone.
Marquess of Abercorn.	Lord Carysfort.
Earl of Pembroke and Mont- gomery.	Lord Kenry.
Earl Stanhope.	Lord Brabourne.

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

The course of Proceeding is considered.

Ordered, That the Committee be adjourned till Friday next, at Twelve o'clock.

Die Martis, 18^o Julii, 1882.

LORDS PRESENT:

Duke of Somerset.
Marquess of Salisbury.
Earl of Pembroke and Mont-
gomery.

Lord Tyrone.
Lord Carysfort.
Lord Brabourne.

The LORD TYRONE in the Chair (in the absence of The EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Tuesday last are read.

The following Witnesses are called in, and examined, viz., Colonel *E. R. King-Harman* and Mr. *Ferc Foster* (*vide* the Evidence).

Ordered, That the Committee be adjourned till Friday next, at Two o'clock.

Die Veneris, 21^o Julii, 1882.

LORDS PRESENT:

Duke of Somerset.
Marquess of Salisbury.
Marquess of Abercorn.
Earl of Pembroke and Mont-
gomery.

Earl Stanhope.
Viscount Hutchinson.
Lord Tyrone.
Lord Carysfort.
Lord Brabourne.

LORD TYRONE in the Chair (in the absence of The EARL CAIRNS).

Order of adjournment read.

The Proceedings of the Committee of Tuesday are read.

The following Witness is called in, and Examined, viz., Mr. *James H. Tuke* (*vide* the Evidence).

Ordered, That the Committee be adjourned till Tuesday the 1st of August, at Twelve o'clock.

Die Martis, 1^o Augusti, 1882.

LORDS PRESENT:

Duke of Norfolk.
Duke of Somerset.
Marquess of Salisbury.
Earl of Pembroke and Mont-
gomery.

Earl Stanhope.
Earl Cairns.
Viscount Hutchinson.
Lord Carysfort.
Lord Brabourne.

The EARL CAIRNS in the Chair.

Order of adjournment read.

The Proceedings of the Committee of Friday last are read.

A DRAFT REPORT is laid before the Committee by the Chairman, and is *agreed to* (*vide* the Report).

Ordered, That the Lord in the Chair do make the said Report to the House.

M I N U T E S O F E V I D E N C E.

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Die Veneris, 5^o Maii, 1882.

LORDS PRESENT:

Duke of NORFOLK.
Marquess of SALISBURY.
Earl of PEMBROKE and
MONTGOMERY.

Earl STANHOPE.
Viscount HUTCHINSON.
Lord TYRONE.
Lord BRABOURNE.

VISCOUNT HUTCHINSON, IN THE CHAIR.

MR. JOHN ATKINSON, Q.C., is called in ; and Examined, as follows :

4468. *Chairman.*] I THINK you have been engaged in the landlord's interest in several cases before the Sub-Commissioners, have you not ?

Yes, in the counties of Limerick and Clare.

4469. More than one Sub-Commission ?

No, only the one Sub-Commission.

4470. Which of them were you engaged before ?

No. 13. It is composed of Messrs. Reeves, O'Keefe, and Price.

4471. I believe you have also been engaged before the Chief Commissioners upon appeals ?

No, not upon appeals. I have been engaged before them on applications to set aside leases under the 21st section of the Act. I was elsewhere engaged, and unable to attend, when the appeals from these counties were heard. The cases that I was concerned in were heard in the Courts of First Instance.

4472. Can you tell the Committee what has been the general effect of the decisions of the Sub-Commissioners upon rents ?

I only speak of the cases in which I was personally engaged, and in those I think the general result would be a reduction of about 20 per cent. to 25 per cent.

4473. And that would be upon all classes of rents, I suppose ?

Yes, some on large farms and some on small farms, some well-cultivated farms and some ill-cultivated farms ; but the general result would be a reduction of from 20 to 25 per cent.

4474. And upon rents, I suppose, that have been fixed and paid for a considerable period ?

Yes ; I never observed that the antiquity of the rent, if I may use the expression, was very much regarded.

4475. We have had it in evidence on several occasions that the procedure and practice of the Court, as regards the hearing of cases, has not given entire satisfaction ; is that your experience ?

Yes, certainly. If the practice were designed for the purpose, I do not think that it could be more adapted than it is at present to take the landlord by surprise, and put him at a disadvantage ; that disadvantage arises from his being in utter ignorance of the particulars upon which the applicant relies to have his rent reduced.

5th May 1882.]

Mr. ATKINSON, Q.C.

[Continued.]

4476. As we understand, the originating notice is the only document given to him?

That is the only document. The landlord knows nothing of the grounds upon which the application is made, and nothing of the proof which will be brought forward to establish it. He is under this difficulty also, that being in ignorance of those facts when he sends his valuers to look at a farm, they do not know what to look at. They have nothing to guide them.

4477. We will suppose a certain value to be come to by the valuers, and that it is arrived at in this imperfect manner as you think; do you find that when tendered as evidence it enters very much as an element into the decision of the Court?

That is more a matter of speculation than anything else, because in my experience the Sub-Commissioners never state what their own valuation is, but as far as I can form an opinion, I think that they rely very much upon their own valuations, and I think that that is necessarily so from their inexperience in all judicial investigation. They naturally fall back upon the art they feel themselves strong in.

4478. Would you make any suggestion as to the way in which you think that state of things might be ameliorated?

I think that the proceedings should be initiated by some form of notice which would give ample particulars to the landlord, such, for instance, as the notice of claims under the Act of 1870, which gave the date and the nature of the improvement. I think also it would be well (inasmuch as under the decision in *Adams v. Dunseath*, the tenant never can get more for improvements than the original cost, as I understand it) that the tenant should disclose upon the face of the notice the cost of construction originally, the date at which the improvement was constructed, its present condition, and the value that he himself put upon it. Then that would enable the landlord to send his valuer to investigate these different items, and fix upon those he intended to dispute, in whole or in part; that would narrow the subject of inquiry, and avoid, or render unnecessary, the expense of one party coming to uphold items that the other party did not intend to dispute; it would also prevent the landlord being left at large in the investigation of things that were not intended to be relied upon.

4479. As a matter of fact the landlord has never been absolutely without the power of applying for particulars, has he?

No, he never has. The Commissioners have made no rule whatever requiring particulars to be given in the first instance; neither I believe until very recently have they made a rule regulating any form of practice or procedure by which particulars can be obtained; but I understand that a practice has grown up in the office, whereby the landlord may upon motion made upon affidavit, to the effect that he cannot defend himself properly without being supplied with particulars, get an order upon the tenant to supply them. I believe that that is confined to holdings that are valued at more than 12*l.*; but I never could understand why that limit should be made.

4480. *Lord Brabourne.*] Has there not been a rule made upon that point since the sittings of this Committee commenced?

I believe there has recently.

4481. *Chairman.*] The application of that rule carries costs, I suppose, does it not?

I do not think the landlord would get costs, for this reason, that there is no duty upon the applicant to furnish particulars in the first instance, and therefore he is in no default. I have never known that the applicant has been visited with costs for refusing to furnish them.

4482. *Lord Tyrone.*] But under the new rule it would be otherwise, would it not?

It would.

4483. Under

5th May 1882.]

Mr. ATKINSON, Q.C.

[Continued.]

4483. Under the new rule you would anticipate that costs would be given to the landlord?

If the tenant refused to give the particulars I should. I presume what would be done would be that a preliminary application would be made out of Court to furnish the particulars, and then if the tenant refused or omitted to do so a motion would be made for an order that he should be compelled to do so, and I apprehend he would have to pay the costs of that application, inasmuch as he had not complied with the request.

4484. Do you think that that is the best way to meet the difficulty?

No, I do not. I think it would be a good deal better to compel the applicant in the first instance to disclose the grounds on which he claims to have his rent reduced.

4485. Why so?

In the first place it would save an immense deal of time. In the next place it would enable the landlord at once, without this expense, to investigate the case and decide upon what items, if any, he would dispute. For instance, if a house were put down, say at the cost of 100 l., if the landlord thought that that was probably a few pounds too high, it would not be worth his while to get a skilled valuator to go and value it; he might admit that item. Then I think also, if there were a change made in the tribunal, and a valuator appointed to assist the Court, and not as a judge, it would be a great deal better for him to have before him when he visited the farm the claim of the applicant, setting forth all the particulars, and that of the landlord on the other side disputing the particulars; he would then be able to pay more attention to those items and give more assistance to the Court.

4486. Do you think there would be any hardship upon the tenant in compelling him to give that information on the originating notice?

I do not think there would be any hardship whatever. There would be ample powers, of course, in the Court in all cases, to prevent anything in the nature of surprise. The tenant was obliged to give the information under the Act of 1870, and inasmuch as the dates at which the improvements were made must be pretty fairly within his knowledge, there would be no difficulty.

4487. Lord Brabourne.] If the tenant has honestly expended money and made improvements, there can be no very great difficulty in stating them, you think?

I think so. There might be one difficulty with regard to the cost of construction. These men, of course, do not keep a detailed account of the expense to which they have been put in making any particular building, but they could have no difficulty whatever in placing the value upon it which they propose to substantiate.

4488. On the other hand, if the tenant was intending to make a claim which could not be honestly supported, the necessity of furnishing such particulars would be a great check upon him, would it not?

It would be a great check upon him.

4489. Lord Tyrone.] With regard to what you said just now about tenants under 12 l., are you aware of any alteration under the new rule?

The practice was limited before the rule was published; I do not know whether the new rule extends it.

4490. It extends to 10 l. under the new rule, not to 12 l.?

I place no limit whatever upon it.

4491. Is there any possible reason why tenants under 10 l. should not at any rate be obliged to give the same information as those over that amount?

I cannot understand it all; I think it would be more necessary that it should be given, and for this reason, that a large tenant's improvements are large things, and can scarcely escape the landlord's observation. The small tenant's improvements

(O.L.)

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improvements

5th May 1882.]

Mr. ATKINSON, Q.C.

[Continued.]

improvements are petty things that the landlord knows nothing of except what the tenant chooses to tell.

4492. As regards a man whose holding is under 10 *l.*, I understand you to say it would be even more important that he should give that information?

I think so, for the reason that his improvement (if any) would be of a small and trifling nature, and not such as would be likely to attract the landlord's attention at the time they were constructed. The only objection I can conceive to it is the cost, but the question of cost would be very trifling.

4493. *Chairman.*] There is one important point which arises out of that; you may have alluded to it, but I do not think you went into it all; under the decision of the Court of Appeal in the case of *Adams v. Dunscaith*, it has been held that compensation for improvements would not go back beyond a certain date; in other words, that improvements executed before a certain time are not to be counted; is not that so?

I do not know about that. As I understand *Adams v. Dunscaith*, it applies Sections 4 and 5 of the Act of 1870, to Section 8, Sub-section 9 of the Act of 1881. The result of that would be that as to all improvements made previous to 1870, enjoyment would be taken into account to diminish the sum which the tenant would be entitled to receive for compensation if he were about to quit voluntarily, or to be disturbed. As to all improvements subsequent to that time, of course enjoyment is not in itself a matter of compensation, or to be taken into account in reduction of the tenant's claim, but *Adams v. Dunscaith* does not at all decide that, under certain circumstances, the permission to continue in the enjoyment of an improvement under a tenure, which the landlord could have interrupted, may not be compensation by the landlord, within Sub-section 9 of Section 8. It did decide practically, I think, that where the tenant held under a tenure which could not be interrupted by the landlord, such as a lease, the enjoyment of his own improvements under that tenure by the tenant was not dependent in any way upon the landlord's will, and was not compensation by him in any way within Sub-section 9 of Section 8.

4494. But even putting that rather more limited interpretation upon it than I did, the fact remains that it is very important that the date at which the improvements were made should be known for the purposes of the Act, does it not?

Certainly there may have been changes in the intervals, and transactions may have taken place which would make the permission to continue compensation by the landlord within the meaning of that section. I should also say that the date of construction should be ascertained for the purpose of ascertaining the cost which varies very much, and for the purpose of ascertaining the present value, because improvements have a natural life like everything else, and they do not improve by age.

4495. I suppose a considerable number of the cases in which you have been engaged before the Sub-Commissioners were appealed subsequently?

Yes, there have been appeals in some of them. I am not prepared to state exactly the proportion of appeals, but there were appeals in a great many of them.

4496. You did not appear in the appeal cases, did you?

No; I was engaged elsewhere at the time the appeals were heard.

4497. Did those appeal cases come under your notice in any way subsequently?

Yes; I think in most of the cases the appeals were successful; some of them were not.

4498. *Earl of Pembroke and Montgomery.*] You tell us that in most of the cases in which you have been concerned before the Sub-Commission the rents were valued at an average of about 25 per cent. reduction?

Twenty per cent. to 25 per cent.; that is the average on the whole.

4499. On

5th May 1882.]

Mr. ATKINSON, Q.C.

[Continued.]

4499. On most of those holdings on which the rent was so reduced, were the tenants' improvements of any considerable value?

Some of them were, and some of them were not.

4500. Do you think that on an average they were of sufficient value to account for such a reduction as 25 per cent.?

Certainly not.

4501. You think that they were not in themselves sufficient to account for that reduction?

Unquestionably not.

4502. Then the reduction was not made, at any rate not the whole of it, on the ground of the tenants' improvements, but more particularly as a deduction from the rent of the land?

That is a conclusion of my own that I draw; I am not able to state that positively, for the reason that the Commissioners never give the grounds of their decisions.

4503. You do not think they are looking at the value of the improvements?

Certainly. The conclusion I would draw from hearing the evidence, and from the decision, is, that they were reductions on the ground that the rent was too high, apart altogether from the value of improvements.

4504. Lord *Brabourne*.] Were you able to detect any principle of action which guided the Sub-Commissioners in their decisions?

No, I cannot say that I was. I think myself that the inquiry naturally divides itself into three branches; first of all, what is the letting value of the land as it is; next, what are the tenant's improvements and their present value; and, thirdly, the amount of deduction that ought to be made in respect of them; and I think that every decision ought to clearly show the conclusion they have come to upon these three different heads.

4505. Do you think that it is possible to obtain the real value of land unless you import into it this element, the number of people that may be willing to hire it, and the price which competition would place upon it?

I do not think it is possible. I think that you always have competition in the background, because if you do not fix the rent by the competition for the land, you must fix the rent by the produce of the land which again depends upon the competition value of the produce, so that there will be always competition in the background, however it may endeavour to put it at a distance. If you estimate the value of the land by the number of dairy cows that it will feed, as they do in the South of Ireland, and place a value upon it, that after all depends upon the value of butter which, itself, is regulated by competition to some extent.

4506. After a judicial rent has been fixed, is there anything in the Act which prevents a tenant from sub-letting?

Yes, he cannot sub-let. That is one of the conditions under Section 5.

4507. *Chairman*.] In any cases before the Sub-Commissioners in which you acted, did you ever ask to have the specified value of the tenancy fixed?

Frequently.

4508. Did you discover any principle on the part of the Sub-Commissioners in fixing that?

No principle was ever announced, and the only conclusion I could come to was from the amounts fixed. Generally my experience has been that the specified value was the improvements plus from four to five years' purchase of the judicial rent.

4509. That is in parts of Ireland where tenant right had not previously existed, is it not?

I have no experience of any part of Ireland where tenant right or any analogous custom prevails.

(O.I.)

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4510. Earl

5th May 1882.]

Mr. ATKINSON, Q.C.

[Continued.]

4510. Earl of *Pembroke and Montgomery*.] How many years' purchase of the judicial rent did it amount to in all?

I should think from four to seven years.

4511. Do you happen to know whether the tenants, whose holdings were so valued, were satisfied?

I am quite sure the market value of their holdings, if sold, and things allowed to take their ordinary course, would be a great deal more than that. I have no doubt that the specified value is always lower than what the tenants' interest would fetch in the open market if free sale were permitted, and, of course, there is a protection to the landlord to that extent.

4512. Lord *Brabourne*.] The landlord has a right to pre-emption, has he not?

Yes; he has a right of pre-emption at the figure so fixed.

4513. Supposing he does not exercise that right of pre-emption, is there anything to prevent the tenant practically getting an open market in competition?

Nothing; it is provided for by the Act of Parliament to secure the landlord his right of pre-emption, as I understand.

4514. Does it not frequently happen that the landlord is unable to exercise that right of pre-emption?

That is a matter for the future; up to this time, I daresay there has been hardly a case where there has been any sale of a tenant's interest.

4515. Are you speaking now from knowledge or supposition; I ask now, because we have had evidence to the contrary?

I am not speaking from knowledge, but the time at present has been very short.

4516. Do you mean to say that the right of pre-emption has been generally exercised?

No; I am not aware of any case in which the right of pre-emption has been exercised.

4517. Then you cannot give us any evidence upon it, one way or the other?

No; I cannot give the Committee any assistance as to that.

4518. *Chairman*.] With regard to the constitution of the Court, we all know very well that it is composed of one legal member and two lay members?

Yes.

4519. It is natural to suppose that the legal member is there merely to decide upon points of law, is it not?

I do not know whether there is any rule or any practice regulating the part which they are to take in the decision. I am not aware that there is any. As far as I have ever heard or know, they are all co-ordinate members of the Court, all having equal powers. Possibly, in practice, the two agriculturists may defer to the opinion of the legal member on a matter of law, but I do not know that they are in any way bound to do so.

4520. I suppose a great deal of the time of the Court is taken up in visiting farms, is it not?

My experience was that in Clare, where the farms of the applicants were situated at long distances from the place of bearing, half the time of the Court was taken up in visiting farms. In Limerick, where the farms lay nearer to the place of bearing, probably not more than a third of the time was occupied in visiting farms.

4521. We have had it in evidence upon various occasions that the number of cases sent down to a district for trial at one time is about 50. I mean cases listed by the Commission in Dublin, and that of those 50 cases, from 18 to 25 may be disposed of during the sittings; in those 25 cases, which may relate to farms

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farms lying either all together, or to farms very largely distributed over the country, the time of the Sub-Commissioners must be very much taken up in examining the holdings, must it not?

Yes; fully half the time.

4522. Do you suppose that in the fortnight during which a Sub-Commission generally sits at a place, there is time enough to hear the cases in Court, and at the same time to make a satisfactory inspection of the land?

That depends entirely on where the holdings are situated. Of course, if situated far from the place of hearing, it is quite impossible. My experience was confined to the winter months, when there were only four or five hours a day in which they could value farms.

4523. This is practically a re-valuation of land in Ireland, conducted under very inconvenient circumstances, and with very little possibility of making a perfect one, is it not?

Yes; I think it is rather haphazard.

4524. *Earl of Pembroke and Montgomery.*] In those cases where they had not time or opportunity to visit the farms themselves, did not they employ a valuer to do it for them?

Only in two cases in which I was concerned did they employ a valuer. One was certainly a case in which they had not time to visit the farm and examine it properly. In another case an independent valuator was appointed, not so much for that reason, as, because of the great discrepancy there was between the evidence of landlord and tenant as to the value of the farm.

4525. *Chairman.*] Have you been before the county court judge at all in these cases?

No. I should wish before leaving the matter of inspection to say that I think it is extremely unsatisfactory to the litigants as at present conducted. When the members of the Court do visit the farms (not for the purpose of correcting the evidence I think, but for the purpose of making an independent valuation; indeed, they have so announced in cases in which I have been concerned myself), I think their report should be disclosed to the litigant parties, because to a certain extent it is evidence which they give to their brother member of the Court, the legal Commissioner, and although of course you never can insist upon a judge giving his reasons for the decision he comes to, you can fairly insist that all the evidence upon which the decision is founded should be before the public; and I think it is the very gravest defect, and one that will always cause the decisions, however just in themselves, and however able the experts may be, to be looked upon with suspicion, from the fact that the conclusions they themselves draw as to value, and which they tell him are not stated in open Court. Two members of the Court, who are both judges and witnesses, give their evidence to the third member, and he is in this anomalous position, that if he does not agree with them as to the value to be attached to their own testimony they can overrule him. It is perfectly possible that the legal Commissioner might think from the circumstances of the case that the landlord's valuer put the proper value upon the holding, while his two brethren might fix it at half that value, and could, if they chose, give a decision reducing it to half.

4526. *Earl of Pembroke and Montgomery.*] That would surely be a point on which the legal Commissioner's decision would not be of any very great value, would it not?

I do not say that it would, but I think the great object would be to have that evidence disclosed.

4527. *Chairman.*] How could you deal with it even if it was disclosed; you could not cross-examine the Sub-Commissioners?

Not while he is a Commissioner; but I think it is an anomalous position altogether to put any member of any tribunal in, that is, to make him judge and witness at the same time, and he is practically that, *quoad* a third member. I know there are tribunals which call in the assistance of assessors with special knowledge

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upon the particular matter before the Court, but I have always understood that they decided upon the evidence given to the Court by witnesses, and not upon the conclusions they form themselves from examining matters outside Court.

4528. *Earl of Pembroke and Montgomery.*] You would prefer, in fact, to have one judicial Commissioner, assisted by a couple of assessors, who would be witnesses and would be examined in the witness box?

Certainly, I think a judge should be a judge, and a witness a witness, and that the two functions cannot be combined with advantage to the suitor.

4529. Would not this difficulty arise from that, that somebody else would be required to advise the judicial Commissioner on matters connected with the land; he would be unable to estimate the value of their evidence, would he not?

No; in all judicial tribunals it does not require that the judge should be an expert in the particular matter tried before him. For instance, in an action for breach of warranty of a horse, you do not require to have that tried by a number of veterinary surgeons. The judge and jury listen to the evidence of experts, and are supposed to be able to come to a satisfactory conclusion upon that; and there would be this difference also, that while in ordinary tribunals you have only the evidence of partisan witnesses on each side, I mean witnesses put forward by the different parties, in this tribunal, if these men were examined, not being judges at all, you would have two independent witnesses, which you never have in any ordinary investigation. Many of these are able, intelligent, and impartial men, and my experience of the profession is that an intelligent and competent and skilled witness always improves under cross-examination, and acquires a character by reason of which people attach infinitely more importance to his evidence. If he does not deserve that confidence it is very soon found out.

4530. *Chairman.*] But that particular form of tribunal which is suggested by Lord Pembroke would be secured if the county court were more made use of, would it not?

Yes, to some extent; but I am not aware that any expert who is called in by the county court judge to assist him gives evidence on the witness table; I rather think he reports. Still it is a step in the right direction. When the Commissioners employ an expert to assist them, he is not examined as a witness, but his report is disclosed; he does not take any part in the decision.

4531. Do you think that it is an inconvenient practice to disclose that report?

I think he ought to be examined. I do not understand a proceeding of that kind. I think if he is a witness at all, and his evidence is to be acted upon, he ought to be tested by cross-examination, otherwise you will have people indulging in a number of vain speculations as to his reason for reporting in any particular way; whereas if the man were there himself, he would state his reasons, and if they were good ones they would be acted upon, and if they were bad ones they would be rejected.

4532. As we understand it, the procedure was this: at the close of an appeal case the reports of the valuers are handed to counsel, and counsel has the right to comment upon them, but nothing more?

I know nothing more of the actual proceedings on appeal than I know from the public prints.

4533. We have it in evidence that it is so; but does it not appear to you that it might be an extremely inconvenient practice in the view that when the case is entirely closed something might be found in the valuator's report which had escaped one of the parties, or that one of the parties did not desire to bring forward, and which would then be suddenly sprung upon the other party?

It is most inconvenient; nothing could be more inconvenient for that very reason. If you had the experts report before you at the time you were examining your own witness, you could examine them as to some of the conclusions

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conclusions contained in it. The expert gives a reason for fixing the value of a building on a farm at a certain amount; you could ask your own valuer did he agree with that, or did he put any value upon it, but the opportunity is gone when the expert's report is only disclosed at the end of the investigation. There is, of course, this additional advantage in removing the two experts from the judgment-seat, and making them witnesses, that the Court could work continuously, just as the Court of Appeal does. While the permanent member was sitting and hearing evidence, the others could be out examining the farms, and could come in and give their evidence in two or three cases.

4534. *Earl of Pembroke and Montgomery.*] Have you any idea what the objections are to the proposal; I suppose you know that the proposal you speak of has been mooted by a good many people?

There have been proposals to have them act as assessors, I understand, but not to be examined.

4535. You do not know what the objections to forming the Sub-Commission Courts on that principle would be?

I do not know, but I presume the objection would be this, that the legal member of the Court, not being an expert, not being a judge of land himself, would not be able to come to a correct conclusion as to the value of land upon the evidence given before him, but I do not at all agree in that; I think it is opposed altogether to all our notions of judicial tribunals.

4536. *Lord Tyrone.*] Were the county court judges, judges of the value of land in the past?

No.

4537. Have they not at this moment got almost the same functions to perform?

They have; that is a peculiarity of the thing. They have got almost the same functions to perform as the member of this court would have after the changes I suggest. There is another matter which I wish to mention, and it is this; I think that those experts when used as witnesses ought to send in a little report when they had viewed the farm and contrasted the claim of the tenant with the dispute of the landlord. If that were done, I have no doubt that in many cases, when it was seen by the litigant parties, they would agree upon the terms of it. I do not wish to mention any name, but there is one gentleman in the North of Ireland who, I understood, has given evidence in many cases, and where his valuations have been almost acquiesced in by both sides.

4538. *Chairman.*] I understand from you that a great many of the cases in which you were engaged before the Sub-Commission were appealed against?

Yes, some of them.

4539. I suppose you were consulted upon the subject?

I advised the appeals myself.

4540. On what grounds did you advise an appeal; had you any data to go upon?

It was more or less guess work. I have been consulted by landlords since, and it is extremely hard to advise a compromise or a proposal to a tenant, or to advise an appeal, because you do not know the grounds upon which the Commissioners arrive at their conclusions.

4541. In fact there are no grounds stated?

No; for instance, if they stated they found a farm worth a rent of 100 l. a year, and the tenant's improvement worth 100 l., that they reduced the amount 20 l. a year on foot of these improvements, I think that that would be clearly wrong, and I would have no hesitation in advising an appeal in that case. But they do not do that. They merely say instead of the rent, as it was before, was too high, we fix the rent at 80 l. a year now. I do not know whether that is because they think that the land is not worth the rent, or that the improvements are worth more than 100 l., or that a very large deduction should be made from the rent in respect of them.

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4542. Lord

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[Continued.]

4542. Lord *Tyrone*.] Is it possible for you, as one of counsel for the landlord, to tell whether the Sub-Commissioners are carrying out the rulings in the case of *Adams v. Dunseath*?

No, not unless they state the basis upon which they are acting.

4543. Therefore, you and other counsel acting for the landlords have no way of being informed whether the Sub-Commissioners are carrying out the rules laid down?

No, in those cases in which I myself was concerned, the Commission I was before acted upon part of the decision in *Adams v. Dunseath* by anticipation, and where there was a new tenancy or a lease created, or anything of that kind, they disallowed the improvement altogether, and so announced; but unless they do announce it (and the cases in which they do so are not many) you have no means of knowing. Their general rule is not to state the basis upon which they arrive at any conclusion of the price they adopt.

4544. We do not as a rule go into the merits of particular cases, but I should like to know what the case was where that ruling was made by anticipation?

I could not specify any particular case; it was made in several.

4545. By that one Sub-Commission, do you mean?

By that one Sub-Commission. I have no actual experience but in connection with that one.

4546. You have not heard of any similar rulings by other Sub-Commissions have you?

I have heard of different rulings, some of them anticipating it, and some of them not anticipating it.

4547. In fact there is a variation of principle in the matter?

Yes, it might be expected that so many men would hardly agree in the same view.

4548. And practically there is no record of the Court that you can go to to discover the principle?

No. That has, I believe, been modified lately, but it was an obvious and very grave defect, and opened the door to very great fraud. If there was no record kept of an improvement on the basis of which a reduction was made, there was nothing to prevent a fraudulent tenant 15 years hence alleging that the improvements found then upon the land were made since the fixing of the judicial rent. It is very hard to procure evidence as to what occurred 15 years ago, and if the judicial rent were fixed in 1882, and the tenant had built a house in the previous year, 15 years hence he might fraudulently post date the erection of that house three or four months, so as to make it the basis of a second reduction.

4549. How has that been obviated now?

If particulars are furnished, that would obviate it.

4550. Still there is no record in Court?

There is no record in Court, but I understand they are to carry out that by embodying in the order made the improvements that they find the tenant has made, and if they do that of course it will obviate it. That decree would be recorded and kept, and the landlord would have the means of ascertaining the improvements in that case.

4551. Have you considered the effects of recent legislation upon the purchase clauses?

I know nothing practically about it.

4552. You have not considered what the position of the tenant is as regards his anxiety to buy his farm at the present moment?

As far as one can form an opinion from some knowledge of Ireland, I do not think the tenant will buy his farm, unless he can buy it on such terms as will not increase the annual outgoings. Now that he has got perfect security, I do

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do not believe that he will ever purchase, if it involves an increase in his annual expenses.

4553. We have heard a good deal about the block in the Land Courts, and the impossibility of the Court getting through the fixing of the fair rent business which it is called upon to do now; and it is to be hoped that in time the operation of the selling clauses will become larger; do you look upon the Land Court as sufficient to bear the two duties, involved in the fair rent, and the purchases' clauses?

I understand it is proposed to ascertain the judicial rent before the purchase clauses are brought into operation upon a particular farm. I think the Land Court will have quite enough to do to fix the judicial rent for a considerable time to come.

4554. You would not look upon it as exactly fair to all parties that the Court, which has to carry out any proceedings under the selling clauses, should have to decide, except for purposes of security, upon what the actual value of the interest sold was?

No; I think it would be entirely unnecessary to ascertain the value in cases where judicial rents had been fixed. My idea is this: I understand that there is now a sort of enforced partnership between landlord and tenant in every farm, the landlord having an interest, and the tenant having an interest. If the tenant buys up the landlord's interest he is then possessed of the entire partnership property, and that partnership property should be, and always will be, ample security for the purchase money of the landlord's share of it. I think, even if you take the specified value as the test, if it amount to five years' purchase of the judicial rent, as it does, that would be a fifth of the entire property, and after the purchase, there would be a margin of a fifth to cover the Government advance. For instance, if the value of the entire farm were 250 £; if the landlord's share were 200 £, and the tenant's 50 £, then the Government, I think, might safely advance 200 £, because they would have the security of a farm worth 250 £; and I think it would be unnecessary to ascertain the values at all, or the value of each share. Where judicial rents had been fixed, a fixed number of years' purchase of the judicial rent could be paid to the landlord.

4555. The actual fixing of the price would not be a matter which, in your opinion, ought to be undertaken by that tribunal?

Do you mean the price of the purchase of the landlord's interest?

4556. The price of the purchase of the landlord's interest?

It would be better probably to have a different tribunal where judicial rents had not been fixed, but I think it would be unnecessary in the latter; and it would cost a great deal.

4557. With regard to the purchase clauses, you have seen a great deal of the effect of this Act upon the landlords generally throughout the South of Ireland, have you not?

Yes.

4558. Do you think it is possible that things can go on with the relations of landlord and tenant as they are at present?

I can only form an opinion on it. My idea is that rents will always be insecure; at all events, rents paid to the present class of landlords.

4559. Do you think the position of joint ownership is a tenable position?

I do not, because I think that no matter how small the amount of the rent, the purchase-money of the tenant-right will be so high that the permanent rent will always be a burden if times should become bad, and I think there will always be a tendency to shake it off.

4560. Lord Brabourne.] Does not the fixing of the judicial rent practically increase *pro tanto* the value of the tenant-right?

Certainly.

4561. Earl of Pembroke and Montgomery.] As soon as the property changes hands it will become a competition rent once more, will it not?

Certainly.

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4562. Lord

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[Continued.]

4562. Lord Tyre.] I suppose under these circumstances you think it would be absolutely necessary that something should be done?

Yes, I think it is absolutely necessary that something should be done. I think it is an anomalous condition of things altogether as it stands at present.

4563. And from the evidence which you gave to the noble Lord in the Chair, you seemed to suggest that your belief was that the amendment of the purchase clauses would be the best way out of the difficulty?

I think so, certainly.

4564. With regard to some previous evidence of yours, in cases in which you were concerned for the landlord, were any rents reduced which had been paid for a great number of years?

Yes, several.

4565. Did you, acting for the landlord, point that out as a reason why they should not be reduced?

Certainly. For instance, I will give you one illustration. I only speak from memory now, but I think my memory is pretty accurate upon the subject. A man held a farm, I think from the year 1840 down to the year 1850. The rent was then reduced 3 *l.* or 4 *l.* He continued to pay the abated rent down to the date of his application. He had bought four additional farms, for which he paid 1,000 *l.*, and the only money he ever admitted himself to have borrowed or obtained in any way was a sum of 300 *l.*, so that he was then owner of four farms, and must have made in some way 700 *l.* I pressed this upon the Court as worth more than the evidence of a hundred valuers as showing that the farm could not have been too high, inasmuch as the man lived and maintained his family, and was able to better his condition in life in this way. Notwithstanding that, his rent was reduced.

4566. Was it seriously reduced?

No; that was the case of *Blake v. Lord Clarina*; the rent of that farm was a couple of shillings an acre higher than the surrounding farms; when the brother of the landlord was examined on his behalf, he said that probably it was a couple of shillings an acre too high, and it may have been upon that ground that the Commissioners reduced it. Still the fact remains that all the history of the case, and the way the man had progressed in the world, showed that the rent of the farm could not have been too high.

4567. Lord Brothourne.] Is that the amount by which they reduced it; a couple of shillings per acre?

Yes, I think so.

4568. In that case, you could detect an actual principle; that is to say, that they put it at the rate at which the surrounding farms were let?

No, I think they simply adopted the value put upon it by the landlord's brother; I believe in the result it was so.

4569. Lord Tyre.] With regard to the question of landlord's valuation, have you found that where the landlord's valuers have put a low value on the land, the Sub-Commissioners have accepted the value as in the case you mentioned?

I think not; where the landlord's valuator puts a value upon the land, less than the rent, the conclusion I come to is that they almost always take that as a terminus to start from on their downward course; they scarcely ever fix a higher value, and they generally fix a much lower one.

4570. Have you noticed that the landlord's valuers have very much altered in the form of the valuations they have put in since the commencement?

I think a great many of the landlord's valuers come forward and give their evidence under extremely painful conditions. I believe that many of the landlords thought that the valuation of an ordinary expert was of very little good, and that they should have the valuation of practical farmers. I need scarcely

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[Continued.]

scarcely say that, in the present condition of things in Ireland, if you get a practical farmer to come forward and give evidence, and he gives evidence in favour of the landlord, he is in an extremely uncomfortable position.

4571. In fact he is in almost a dangerous position. is he not?

He is in almost a dangerous position. I am aware, myself, of this, and it is a matter that occurred a very few days ago; a valuer was examined in Clare some time since, on behalf of tenants; he was examined lately on behalf of a landlord, some of whose rents have been reduced; his valuation was more or less disregarded by the Commissioners, and he was obliged to have police protection the next day.

4572. With regard to my former question, do you find that the landlord's valuers are not putting in as high valuations as they were at the beginning of the sittings of these Courts?

I cannot say that; I think there was a tendency at first, almost an unconscious one, not so much to make a valuation really of the farm, or what they thought was the fair letting value of it, as to make a kind of benevolent award between landlord and tenant, and there seemed to have been a general impression that rents should be reduced; they valued very tenderly at first. I rather think that in recent times the valuation has been better.

4573. You think it has been nearer approaching the value?
Yes, nearer approaching the value.

4574. And do you think that the valuers have been taking judicial decisions as a basis for their valuations, or the original fair letting value of the land when it was let by competition?

I do not think that they are taking the judicial decisions as a basis, nor do I think that they are taking the competition value as a basis. I think that they endeavour to fix the value according to their idea of the produce, that is, the capacity of the farm. I think it seems to be understood by every person now that you are not to ask the competition rent.

4575. With regard to the time occupied by the Sub-Commissioners, has it not been a serious drawback to the landlord's interest that many of the cases that were listed for a particular sitting have not come on for hearing?

Of course both parties are obliged to go to the expense of being ready. I am aware that the landlords have to pay a good deal to their valuers, and I presume tenants have to do so too in order to be ready; and it is, of course, a great expense to them to have all their witnesses there and not to proceed. As to the ultimate result of the delay, I am not sure that the landlords objected to that, inasmuch as they may have thought that things might have been better, and that they could not be very much worse.

4576. Is it not the case that a great deal of the time of the Court is occupied in visiting farms?

Of course it is; they only hear evidence about half their time.

4577. I think just now you said that the costs in certain cases, or in many cases to begin with, were given against the landlords?

Not by the Commission which I was before. In some cases they gave them, but not latterly, unless there was a *bona fide* attempt made outside to settle by the tenant, a reasonable proposal made, and an unreasonable refusal. Many of the things I have said are conclusions I have drawn from what occurred, and may misrepresent what was in the minds of the Commissioners, but inasmuch as they never stated what was passing in their minds, I was left to draw my own conclusions, and could do no more.

4578. Have you had cases in which the acreage put in by the tenant has been incorrect?

Yes, many of them.

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4579. Now

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[Continued.]

4579. How has that been ascertained ?

The acreage is put down at statute measure from the ordnance valuation or the rate book, I think.

4580. But where the statement is incorrect, how is it corrected ?

Very often the tenant procures a survey himself; very often the landlord procures a survey. It is very objectionable that it should be erroneous, because very often many of the calculations are based upon it.

4581. The landlords' valuer may possibly base his valuation upon it, may he not ?

Very frequently he does.

4582. And if the acreage was incorrect, it might be possible that the tenant's valuer might not have seen some of the best fields on the holding ?

It might possibly be so.

4583. Do you think it would be an improvement if the tenant had to state upon the originating notice in respect of what improvements he wished to have a reduction in his rent made ?

Certainly it would be an improvement to give the landlord information to enable him to investigate the improvements and prepare to meet the case of the tenant to admit such as he thought were fairly put forward, and dispute wholly or in part those which he thought were not fairly put forward; first of all not to oblige the tenant to prove a case not meant to be refuted, and next to avoid the necessity of being armed at all points when some claims might not be seriously put forward.

4584. Have you in any of the cases you have been engaged in come upon one in which the tenant has deteriorated his holding ?

Several.

4585. What was the proceeding of the Sub-Commission with regard to those cases ?

I will tell you the proceedings with regard to one of the cases. I pressed them very much that in a case where a tenant has deteriorated his holding, he should get no relief, inasmuch as his conduct has been unreasonable in regard to the fixing of a fair rent. The landlord is entitled to get a fair rent for the thing demised, as it was. If the tenant has so deteriorated it that it is impossible to arrive at any conclusion as to what the thing demised originally was, it practically puts out of the power of the Court to fix a fair rent for the thing demised, and under those circumstances I think he should get no relief at all. They have never acceded to that, and I do not know what basis they have gone upon. In one case, *Enright v. Ryan*, which was the first tried in Limerick, the land had been meadowed consecutively, I think, for a period of 30 years, which I believe, according to all practical knowledge, must have deteriorated the land. The tenant was a wealthy man; the land had been only used as a kind of accommodation land to an hotel situated at some distance from it. I pressed them very much to refuse to fix a judicial rent in that case at all, inasmuch as they could not do it without injustice to the landlord; they refused to accede to that, and did fix the rent, reducing it from 19 *l.* (at which it originally was) to 9 *l.* That decision was subsequently reversed by the Chief Commissioners, and I believe upon appeal the rent was fixed at 16 *l.* I am not aware by what conceivable process they could have arrived at the conclusion, that the 9 *l.* was the value of the place.

4586. That was upon a form which had been distinctly deteriorated, as I understand ?

It was a small holding of two or three acres of land, situated within four miles of the City of Limerick, held by an hotel keeper; he lived in Castle Connell, and the land was used merely for the purpose of getting grass and hay for his horses.

4587. Lord

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[Continued.]

4587. Lord *Brabourne*.] That would look as if they had taken into account the deterioration of the land, without taking into account by whom it had been deteriorated, would it not?

It would appear so. They merely fixed the value apparently as it was.

4588. We were told in evidence that when a farm has been deteriorated by the act of the tenant the Commissioners take that into account, and cause him to suffer for it in fixing the rent. Have you any cases in which such a course of proceeding has been pursued, to your knowledge?

I think there are some cases, certainly, where the tenant had deteriorated the property, and probably they fixed the rent a little higher than they would have fixed it had it been deteriorated by somebody else.

4589. Supposing tenants had improved it, what course would they take?

The Commission that I was before never announced very clearly upon what basis they want, but I have no doubt that they did anticipate, in a great degree, the rulings in *Adams v. Dunsheath*, with regard to the improveability point, namely, that all the result of any improvement is not to belong to the tenant, that they merely made the deduction for the amount of his expenditure, and did not credit him with all the result of the improvement.

4590. Lord *Tyrene*.] Have you any means of judging of the effect of the Land Act upon the state of the country?

None, excepting the means that are open to everybody.

4591. Marquess of *Salisbury*.] I gather from your evidence that you have not been able in any degree to satisfy yourself as to the principles upon which the Sub-Commissioners decide?

No, they do not disclose them.

4592. And there is nothing in the mode in which the decisions are announced, or in the character of the decisions themselves, to guide you to such a result?

Nothing. My experience, as I have said already, is limited to one Sub-Commission, but the way the decision is announced is practically this: in general they say, "We disallow such-and-such an improvement; we allow such another improvement; we think the tenant made the third improvement; we have visited the farm, and we come to the conclusion that in future, so-and-so would be the fair rent."

4593. May I ask you, as you do not know upon what principle the bench goes in deciding, upon what principles do you go in arguing to prove that a particular sum is the fair rent of a farm?

I have adopted this argument always, though I am sorry to say it was not very successful. I said the fair rent should always be the fair letting value of the farm, less such a deduction as should be made for the value of the tenants' improvements as they existed at the time of his application, that deduction to be regulated as if he were claiming for compensation for improvements. For instance, if a tenant were claiming compensation for improvements, and the Court held that he was entitled to 400 *l.* for compensation, for improvements, and that 100 *l.* a year was the fair letting value of his farm, then I have thought that the deduction should be made from that 100 *l.* a year in respect of the 400 *l.*; 3 per cent., 4 per cent., or 5 per cent., as the case may be, remembering that he had practically a perpetuity. That was the way I always urged them to proceed to fix the rent, but I do not think that they have proceeded upon this basis.

4594. It has been stated before us that a fair way of ascertaining a fair rent would be to ascertain what the fair rent would have been in 1869, and then to deduct whatever rights in respect to improvements the Acts of 1870 and 1871 have conferred upon the tenant. That seems to be very much parallel to the mode in which you would ascertain it?

Very parallel.

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4595. That

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[Continued.]

4595. That statement was made to us by Mr. Vernoo, the Chief Commissioner?

That would be parallel to it, except for the difference between the letting value of the land in 1869 and now. That would be the only element of difference, probably.

4596. But you did not find that that mode of stating the case commended itself to the Sub-Commissioners?

They never said that they agreed with it, or that they disagreed with it, but certainly the results they arrived at would have been entirely different had they adopted it, I think.

4597. That mode of arguing implied a hypothetical competition, which is now impossible, did it not?

Yes; but to a certain extent, of course, you must always have competition, because if you value land in the open market, whether for itself, or for its powers of production that, after all, must be regulated by the competition for the commodity produced; but I think, in estimating the value of the land as a rule, the valuers have gone upon the principle of seeing what it would produce, and what would be the price of the produce according to the market price for the last four or five years.

4598. Your impression is that the valuers have fixed upon the price of produce?

Yes.

4599. Not upon a hypothetical competition value for the holding?

No.

4600. When you spoke of the value of the land you rather alluded to the hypothetical competition, did you not?

No; I should say that they judge of the fair letting value of the land by the produce.

4601. Do you imagine that the Sub-Commissioners themselves have gone upon the selling value of the produce?

I should think they have. They have never announced it, but I think very often practical farmers and agriculturists, almost by an unconscious operation in their own minds, form an opinion as to what the value of land is, without really analysing the process by which they arrive at it; but I think it must always be based upon the value of the produce.

4602. I suppose there is a logical substratum of some kind underlying that operation?

There must be, I think.

4603. When you have ascertained the market value of the produce, you still have a further calculation to make, and that is the proportions in which this value should be divided between landlord and tenant?

Yes; for instance, in the South of Ireland, where dairy farming is the main staple industry; say that two acres of land (for the sake of supposition) would, what they call, feed a cow, "wet and dry," that is, give enough grass in the summer, and produce enough hay for the winter to feed her; then they calculate that that cow would produce so many firkins of butter, and that that butter, at the average rates for the last two or three years, would be worth so much; then they assume that the interest for the money sunk in the cow is worth so much; that the amount of expenditure for labour and so on, necessary to manufacture the butter, is so much, and that the deterioration of the stock will represent a further sum; that is deducted, and that gives them the net profit.

4604. Then comes the question as to how that net profit is to be divided?

They deduct, as I have said before, the interest upon the capital sunk. They have never announced very clearly in what proportion they divide the net profit.

4605. But

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[Continued.]

4605. But the other calculations are perfectly useless without that result, are they not?

They are. I do not think there is more than about half the net profit of that result ever given to the landlord.

4606. Do you think they formulate to themselves any fraction of the kind; is there any rule by which they go?

No; there may be, but they have never announced it. I think it is a rough-and-ready process.

4607. When no principle is announced, there is a general idea in court, you might express it as an instinctive idea, as to what the Sub-Commissioners would decide; have you been conscious of any such informal rule?

No, I think they go to a great degree upon some rough-and-ready rule, regulated by the produce; they may assume, for instance, that land would produce so much of whatever the commodity may be is worth so much; how they analyse that, I am not able to say.

4608. This operation has been going on now for some time; are there any skilful prophets in the court who are able at all to foresee what the decision of the Sub-Commissioners is likely to be?

Probably, after you had heard a case, you would be able to anticipate to some extent, but not with any accuracy.

4609. If you were called upon to advise a client, should you feel any confidence in advising him to agree upon this or that sum with the tenant, which in your view would probably meet the decision of the Sub-Commissioners?

No, my only general rule would be to advise them to consent to a considerable reduction rather than go into court.

4610. For the sake of saving expense?

Yes, and avoiding a further reduction.

4611. But still you would not know on what principle to advise?

No, it would be quite impossible for anybody to know.

4612. Do you not think it would very much conduce to the forwarding of agreements, and the avoidance of appeals, if more knowledge could be obtained as to the principles on which the Sub-Commissioners act?

Yes. I think it would be most desirable that these judges who are exercising a comparatively new jurisdiction, I may say, and dealing with a matter that has never hitherto been dealt with, should, so far from refraining to lay down rules, rather go out of their way to do so; I think they should lay down the bases of decision in order that people might be enabled to settle out of court.

4613. And also that some uniformity might be established between the various tribunals?

Certainly. It is merely an opinion; but my own belief is, that there will otherwise be almost as great an inequality in rent after the Commissioners have sat to hear cases all over Ireland as there was before they began. At present the man who comes off best, I think, is the rack renter. If you take a certain percentage off unequal things the remainder must be unequal.

4614. Another result is, I suppose, that there is no security that the system of decisions will not, six or nine months hence, take an entirely different direction?

Except so far as the Court of Appeal may prevent it.

4615. Have you had any experience with respect to the Court of Appeal?

Not as regards appeals from the Sub-Commission courts; I have had experience in lease cases, but not in the others.

4616. Have you at all watched the effect of the jurisdiction of the Court of Appeal upon those cases which have been decided within your knowledge?

I was to have been in those appeals that were heard from the counties of Clare
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[Continued.]

and Limerick, but unfortunately I was engaged elsewhere and unable to appear, and a brother barrister of mine who appeared for the landlords in the counties conjointly with me, has informed me of the result of the appeals in which he was concerned; appeals which I originally advised, and which he conducted. The general result was that the rents were increased by the appeals; not very much, but still they were increased. None of them, I think, were lowered. In some of them the decisions of the Sub-Commissioners were confirmed; but there was, over the whole of them, an increase.

4617. Was the general result of the appeals such as to justify your advice in regard to expense?

Probably in some of the cases, not the immediate result; but I advised many appeals not because the decision in the particular case cut down the rent, but to a very great extent purely with regard to the other tenants of the landlord. For instance, one gentleman appealed because his rent was reduced only a pound, and he succeeded upon the appeal in getting it restored to the old figures. That cost him 20 £, I understand; but probably that would prevent the remainder of his tenants coming into court seeking to disturb the rental, which was very old.

4618. With respect to deterioration, I think I understood you to say that you had not been able to trace any general effect upon rents, though you had, in some instances?

No, I think it would be very hard to lay down any general rule; they have never announced any, and I have not been able to trace it through the decisions. The only conclusion I have come to is that in some cases I think they have fixed a higher rent, judging from the existing state of the farm where the tenant has deteriorated it, than they would have fixed if a third party had deteriorated it; they have put, to a certain extent, a penalty upon him for his own neglect.

4619. I suppose, when you are appearing for a landlord, you would always try to bring out a case of deterioration, if there was evidence of it?

Certainly.

4620. It would be material to your case?

It would, of course. A great many of the landlords are very ignorant of the deterioration, that has gone on, and you are obliged to trust very much to what the tenants say themselves.

4621. Or the neighbouring tenants. And I suppose they would not give any evidence against their neighbours?

My experience is that they come upon the table in any numbers to support their brother tenant and help him to make his own case, but certainly to give no information against him.

4622. For the sake of obtaining a fair decision the testimony of the neighbours is not of much value, you think?

Not of the slightest value.

4623. Have you had any cases brought before you where the tenants have deliberately deteriorated in view of the decision of the Land Court; I mean deteriorated in this way, by the stopping up of drains to flood the land, so as to make the land appear worse than it really was, or anything of that kind?

No, I am not aware of any cases of that kind.

4624. If the operation, of the Land Court drag on, the cases are put off for a long time; do you not think that a prospect of appearing before the Land Court may operate upon the minds of those tenants who intend to do so, and induce them to give a less attractive aspect to their farms than they would otherwise do?

I do not know how that would be. If the land was deteriorated it would be of less value; still they get such credit for improvements that they would have a direct interest in keeping it in its most improved form for the purpose of reduction. For instance, if their drains are in good order, and all that, and they have made them themselves, they will be allowed considerable for them in reduction of rent; whereas, if they have deteriorated the land and stopped up the drains,

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drains, they will get nothing for them. I can understand their deteriorating all improvements made by the landlord perfectly, but not those made by themselves.

4625. If the tenant proved that he had unstopped drains previously stopped, would that be treated as an improvement?

No, I think not; that is a mere agricultural operation.

4626. Do you not think, when these judicial rents have been fixed for a period of 15 years, with the certainty that, at a fixed date, the farm must be revalued, and the rent re-set, that that will have some influence in the mind of the tenant as to the nature of the agricultural treatment that he is to adopt towards the end of the term?

That is more or less a speculative thing. Certainly, the experience I have had in the last few years of ordinary leases shows that the tenants always do run out the land as much as possible for the purpose of having a low rent fixed for the new letting, but when they are secure in the possession of their holdings, under the clauses of the Land Act, I cannot think that that would be so.

4627. Then an ordinary landlord meets that difficulty by renewing two or three years before the lease falls in, does he not?

Yes.

4628. Under the existing law that, I think, cannot be done?

Except, I think, in the last year.

4629. Earl of Pembroke and Montgomery.] Take the case of a tenant who is dependent for his living upon the farm; assuming that the farm is deteriorated, and that the tenant is a man who does not keep an hotel, like the man you spoke of, and that he has no other way of making money except by his farm, the Sub-Commissioners, if they are there to fix a rent at all, must fix a rent which the farm can pay, and therefore have no choice but to lower the rent; is not that so?

That is, assuming the farm was let at something near its value originally, but considerably deteriorated; it might have been let so low that it would still be worth the original rent.

4630. Do you not think also, in view of other considerations which have just been mentioned by Lord Salisbury, that it would be a very good thing if the Land Commissioners were empowered to refuse to fix a rent at all in cases where the farm was seriously deteriorated?

They are empowered to do so as it is. They may always refuse an application where the conduct of the party has been unreasonable, and I think nothing can be more unreasonable than so defacing the thing let that it is impossible to tell what it was when the tenant got it.

4631. Has that ever been held to be unreasonable conduct by the Courts of Sub-Commissioners?

No, it has not, that I am aware of.

4632. Lord Bradbourne.] You have been asked questions by Lord Salisbury about the idea of theoretical competition in the valuing of these farms; does not competition imply the idea of more than one person desiring the same thing, and that conflicting desire enhancing the price?

Certainly, I think it does.

4633. As long as the landlord could let his land to more than one person he had a power of choosing, even though a person was in possession whose tenure might come to an end by the act of the landlord, the competition entered as an element, did it not, into the fixing of the rent?

Certainly.

4634. Has not the Land Act done this: decided that the land shall be the property of two individuals, the landlord and the tenant, and of only two, and leave the court to fix the rent that should be paid, and does not that exclude all idea of competition and deprive the landlord of that element entirely?

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[Continued.]

In future that may be so; but I do not think that that enters into the calculation of the Commissioners in arriving at a fair rent now.

4635. How can you entertain the idea of competition at all in fixing a fair rent now, when you know there can be no competition, and that the tenant has got as much right in the farm as the landlord, and that you have only to determine the degree of right between the two?

That is one of the reasons why I say I do not think it is taken into account. I think they fix the rent upon the produce generally.

4636. If you were a Sub-Commissioner you would not take it into account, could you?

No, certainly not.

4637. If it be an act of injustice to the landlord, it is not the act of a Sub-Commission, but the act of the Legislature that has done it, is it not?

Certainly.

4638. And, as a matter of fact, competition is excluded, is it not?

Certainly, in the future.

4639. Is there any possible test for ascertaining the real value of any article except that of knowing what a person would be willing to give for it in the open market?

I believe it has been always laid down that there is no test except that of what it will fetch in the open market; the general rule is that competition is the only guide to value, coupled, in some cases, with the cost of production.

4640. For instance, if the consumers of meat thought the price of meat too high, and the Legislature were to say, therefore, that a court should sit and determine the price of meat, that would practically be only doing what they have done with regard to Irish land, would it not?

Yes; though that is getting into a question of political economy. There always has been a difference drawn between land which is practically limited in supply, and other things which can be produced indefinitely, but at constantly increasing cost.

4641. Do you think tenants are coming more freely into the land courts now than they did at first, or that the wish to come in is subsiding?

No, I do not think they are coming in nearly so fast as they did at first.

4642. Do you think that the idea of new legislation will keep them out, because they think better terms may be given them?

I think that at first they rushed into Court, because they thought the reductions would be more than they have been. It is very hard to say what the condition of mind is at present, but I think they naturally hope for some further benefits from legislation.

4643. I think you said you had been concerned in proposals to break leases?

Yes, a great many.

4644. Have you found that the Act operates injuriously to the landlords in that respect?

The applications of the tenants have been singularly unsuccessful. I should think I have been engaged in nearly 300 cases, and certainly there were not 50 set aside.

4645. You are aware that allegations were very extensively made that landlords had acted, after the Act of 1870, in a very oppressive manner with regard to leases, but those allegations have not been substantiated at all, have they?

It is but fair for me to say that a great many of those cases where the landlords have been successful have been decided upon technical grounds; for instance, the want of status on the part of the tenant (as defined by the Act) at the time he took the lease; it was necessary he should be tenant from year to year at the time he took the lease, and very often that was not the case.

4646. Still,

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4646. Still, as a matter of fact, the applications have generally failed, have they not?

Yes; where the applications have been successful they have been successful by reason of the introduction into the leases in Ireland (which were very often printed forms of leases) of a number of minute covenants which were entirely inapplicable to the relations of landlord and tenant in Ireland, and which were copied, generally speaking, from English precedents of conveyancing, and were never acted upon by any chance. I have been some time in the profession, and my experience has been that I never was engaged in more than one action for breach of one of these covenants by a landlord, and that ignominiously failed.

4647. Marquess of Salisbury.] Were those forms supposed to be in fraud of the Act of 1870?

No, they were old forms of leases. It is necessary for me to explain the way in which they came to be relied upon to set aside leases. The Commissioners have decided that the Act of 1870 having secured to a tenant two rights, compensation for disturbance and compensation for improvements, when he gets a 31 years' lease he loses the right to compensation for disturbance altogether, and he loses the right to compensation for improvements other than those of a certain class, namely, reclamation of waste land, permanent buildings, and unexhausted manures; the consideration he was to get for those things that he gave up was a secured tenure for at least 31 years; they decided that where a number of covenants were introduced, very minute in their character, and difficult to keep, with a condition of re-entry attached to the breach of any one of them, practically, the tenure was more secure than before the lease was granted, that consequently the tenant got no value for the rights he gave up, rights secured to him by the Act of 1870, and that, therefore, the leases were unfair. A great many of the leases were set aside upon those grounds, even although those covenants were not introduced with a view to the Act of 1870.

4648. Then the ground on which they were set aside was in the highest degree technical?

It was, to some extent. Everybody knows in Ireland that those covenants in leases are quite inapplicable to Ireland; they are never enforced, and no one ever thinks of enforcing them.

4649. Lord Brabourne.] Are you aware that a demand exists, or do you think that a demand is likely to arise, on the part of the leaseholders to be brought more generally under the Act of 1870?

I am quite sure of it, and for this very obvious reason, that the rents were far higher from 1870 to 1880 than they are at present.

4650. That is a time during which Ireland was in a prosperous condition?

In a most prosperous condition. I am not certain that landlords would derive very much advantage by upholding the leases. Even if there was a covenant in the lease by which the tenant was bound, I doubt whether it would be of much use when he found that his next-door neighbour had got a reduction of 20 to 25 per cent. in his rent.

4651. Is there a strong agitation going on upon that matter at the present time?

I think there is a very strong desire that leases made since 1870 should be opened by statute.

4652. Not leases existing before that time?

No, not leases existing before that time.

4653. Earl Stanhope.] Will you state the nature of the evidence that a tenant brings forward?

The tenant generally proves that he and "his forefathers have been in the place for generations; that he has spent a great deal of money in making improvements, and that in his opinion the land is much too highly rented, and probably he proves that he has only been able to pay the rent by the remission

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of money from America; all this you have no opportunity of checking. Then he, generally speaking, produces some evidence, in addition to his own, as to his having made the improvements. At first he used to produce a neighbouring farmer to prove the value of the land, which I need scarcely say was in most cases represented to be very small indeed; now, I think more generally, he produces a valuator whom he has employed, and who generally fixes the rent at a very low figure also. His case consists in that.

4654. The valuator whom he employs is, I suppose, a man of some standing?

Sometimes he is a neighbouring farmer, sometimes a man of some standing.

4655. *Chairman.*] Is it not occasionally the village schoolmaster?

Yes, occasionally, I believe.

4656. *Earl Stanhope.*] Then in many cases they are not actual land valuers?

No, in many cases they are not; very often they are practical farmers, and I think the Commissioners would prefer the evidence of a practical farmer if he were not otherwise interested.

4657. Have you observed how the sympathy of the Court is, or whether it is very much in favour of the tenant?

Does your Lordship mean the sympathy of the members of the Court?

4658. No, the sympathy of the audience?

The sympathy is very very marked indeed.

4659. *Lord Tyrone.*] Of course the lay Commissioners have no judicial knowledge, have they?

None; at least I assume so. I am not aware that they have any. They have certainly no judicial experience and no judicial training.

4660. And it is quite possible, is it not, that the lay Commissioners may out-vote the judicial Commissioner upon a point of law?

As I understand, it is perfectly possible. I do not know that their duties or their powers are limited in any way *inter se*.

4661. *Marquess of Salisbury.*] Have you any opinion, founded upon your practice, as to the question of arrears?

As to whether the tenants are able to pay?

4662. Perhaps that is the important point. Have you any opinion as to how far the inability is real?

I should think that in the South of Ireland there is at least a third of the tenants unable to pay.

4663. *Lord Tyrone.*] Unable to pay the rent or unable to pay the arrears, do you mean?

Unable to pay the arrears.

4664. Do you think that they are unable to pay any part of the arrears?

I will not say any part, but the whole of the arrears.

4665. *Marquess of Salisbury.*] When you say that they are unable to pay, do you mean unable to pay without inconvenience, or unable to pay by any exertion whatever?

I do not think they could pay in any way, except by raising the money.

4666. Could they not sell their holding?

Yes, they might do that.

4667. Then they might be able to pay?

Then they might be able to pay; they are not insolvent.

4668. *Duke of Norfolk.*] Do you know what the deposits in the savings banks are?

No, they are a very large figure, but I do not know that it is true, as is generally accepted, that they all belong to tenant farmers.

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[Continued.]

4669. Had you that in your mind in indicating certain districts as bring less able to pay than others?

My experience is that it is the larger farmers who are unable to pay.

4670. Lord Tyrone.] Do you think that they are unable to pay entirely owing to the bad seasons, or owing to the fact that they have spent the money, instead of paying their just debts with it :

I attribute it to both causes in a great degree, and in the case of the large farmers I think that a great deal of the money that has been withheld from the landlords has been spent on agitation.

The Witness is directed to withdraw.

MR. WILLIAM SEYMOUR BIRD is called in; and Examined
as follows:

4671. Lord Tyrone] You have acted as counsel for some of the landlords, have you not?

Yes.

4672. What Sub-Commissions have you been acting before?

From the first sitting of No. 4 Commission until their rising before Easter I acted before them, with the exception of two weeks that I was not employed.

4673. Have you acted before any other Sub-Commission?

Since Easter and up to the present time I have acted before No. 7 Sub-Commission.

4674. In what district were they occupied ?

No. 4 Commission was chiefly occupied in Mayo and Galway. They sat in one town in Sligo.

4675. Where was No. 7 occupied?

In Leitrim, Sligo, and Rosecommon. It is a new arrangement of counties.

4676. What average reduction of rent was made by No. 4 Sub-Commission?

No. 4 Sub-Commission made the largest reduction. It averaged 29 per cent., I believe, up to Christmas. I am not aware what it has been since; I do not think it has been made up.

4677. *Chairman.*] Have you looked into the average of reductions in the different provinces?

No.

4678. Then you cannot tell me whether the reduction made in Connaught is the largest reduction made in any of the provinces?

It was stated so. Number 7 Sub-Commission, I believe, made the second largest reduction; they were principally acting in Connaught also.

4679. Earl of Pembroke and Montgomery.] On those holdings on which the reduction of 29 per cent. on an average was made, were the tenants' improvements of a very valuable nature?

Quite the contrary, in my opinion.

4680. They were not of such value as in any way to account for the reduction of 29 per cent. on the rent?

I do not think so.

4681. Lord Tyrone.] From your experience do you consider that those reductions were fair?

I think the reductions were excessive, and for two reasons: I think the lands that were inspected in Mayo, where the reductions were largest, were lands that

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Mr. BIRD.

[Continued.]

looked particularly badly in the weather they were inspected in. They were not a boggy, mountainous nature, and in the winter, as far as I can learn from everybody who knew the land, they looked far worse to a stranger than they really were. In Ballina the weather was particularly bad, probably the severest weather I ever remember; there was storm and rain every day. The inspection went on notwithstanding. Some of the landlords and their agents bitterly complained that the lands could not be fairly inspected at that time by persons who had never seen them before; the tenants always said it was very lucky for them (I have heard them frequently say so) that their lands were inspected at that time, and any tenant whose case was not then heard expressed great discontent on the ground that his lands would probably be inspected at a better time of the year.

4682. Duke of Norfolk.] Do you know whether the Sub-Commissioners took that state of things into account, in making their valuation?

They stated that they did so, but having regard to the fact that they were strangers to the locality, and had never seen that class of land before, I do not think that they allowed enough. Then, the other reason why I think the rents were excessively reduced is that the principle adopted by No. 4 Sub-Commission was the exclusion of the improvements. On its being proved that a tenant made an improvement they said, Very well, we will not allow rent for that. That is contrary, of course, to the decision in *Adams v. Dunseath*.

4683. Chairman.] I am not quite clear about that. You say they put the improvement aside, and did not calculate it at all?

Yes; they excluded the increased value given to the land by the improvement.

4684. You mean that they did not allow rent for it?

Just so.

4685. They did not deduct rent for it in consequence of any value they had previously ascertained, did they?

As to that I am quite in the dark; that is one of my complaints against the system. I do not know whether they did or not, but I have no reason to believe that they did.

4686. Lord Tyrone.] The practice of the Court was to deduct the improvements as a whole from the fair letting value, was it not?

Apparently so.

4687. That is what you believe from what you saw in the course of your duty before them?

Yes, subsequently to the decision in *Adams v. Dunseath*, Mr. Macarthy is reported to have said (and in fact he said almost the same when I was present) that they had always followed the lines of that decision. As I pointed out to him, if they did so, they must have made out the value in their own minds, for no evidence of the cost of the improvements was ever given to them.

4688. Did Mr. Macarthy say anything about costs when you were before him?

Yes; in the first case in which judgment was given, he said that costs would not be given, if there was not something oppressive in the conduct of the landlord.

4689. Chairman.] Do you recollect the date?

I should say that was about the 17th November or so; at all events it was soon after the sittings commenced. It was in Ballina, the first town in which they heard cases. Mr. Thompson's cases came on immediately afterwards, and there was certainly no cause of complaint against the landlord there; the rents had been unchanged since 1841; it was proved that three years' rental of the estate had been expended in improvements since 1841, and the landlord had done nothing which could be complained of, but notwithstanding all that, the Sub-Commissioners gave the costs against the landlord, and from that time to Christmas they continued, in every case, to give costs against the landlord.

4690. With

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[Continued.]

4690. With regard to this case of Mr. Thompson's, and other cases, were appeals lodged?

Yes, in the Thompson cases there were appeals.

4691. And the decision as to costs, I suppose, will be reversed?

Yes; in those cases it will be. In cases where no appeals were lodged, the landlord must pay the costs to the tenants.

4692. Lord Tyrone.] Were the rents reduced in any cases you had, where the rents had not been changed for many years?

Yes.

4693. Were they seriously reduced in those cases?

In some cases largely; in others not so largely; but I do not think it made the least difference whether the rent was an old rent or a modern rent.

4694. Do you think it made a great deal of difference in the amount of the reduction whether the rent was a high rent or a moderate rent?

That is an extremely difficult question to answer, but my impression is that the higher the rent was, the better the landlord got off. There seemed to be an impression that rents must come down (that is merely my own idea), and if a man's rents were considerably above Griffiths' valuation, he probably got off better than the landlord who had been content to receive a much lower rent.

4695. Chairman.] You have had practical experience of that in the cases that have come under your notice, have you not?

Again the difficulty arises in all those cases, that no reason is given for the decision, and I am only giving now to the Committee what my own impression has been since I started as landlord's counsel.

4696. Lord Tyrone.] Do you consider it a very great objection that no reasons are given?

It is the greatest possible objection.

4697. Why so?

The landlord and his counsel or solicitor are perfectly in the dark as to whether an appeal ought to be lodged, or not. I can see no reason why a court of this sort should not follow the example of every other court. There seems to be no reason why it should not state the gross yearly value of the land, whether the land has been deteriorated, and whether they have allowed for that, or whether it has been improved, and how much they have allowed for that. Then the landlord can say either that he is discontented with the gross amount of rent, or that he is satisfied with it, but that he thinks the reduction for improvements too great, or the allowance for deterioration too small.

4698. And you think that those statements not being put in is very much against the interests of the landlord?

In the west, the only part where I have any practical experience, I think it is very much against the interests of the landlord, and for this reason: I think the so-called tenant's improvements in the west of Ireland, in many cases, are either non-existent, useless, or positively injurious. The improvements that are generally claimed by the smaller tenants in the west of Ireland, excluding their buildings, which are usually admitted to be made by them, are reclamation of waste land, the making of drains, and the making of fences. Now with reference to the reclamation of waste land, it was stated by one of the Sub-Commissioners in open court in Ballina, that since he had come to Mayo he had seen no reclaimed land at all, and my experience is that in five cases out of six the reclamation of land cannot be called reclamation; they merely till the land, and probably the last state of it, when they cease tilling, and let it go into grass, is worse than the first.

4699. Therefore, you consider that the prairie value would probably be more than the value of the land after the tenant had given up tilling it?

In many cases; of course, not in all. Then with reference to the drains, owing to the want of knowledge of farming which unfortunately exists in the west of Ireland, the drains are very often quite useless; yet it may be that the landlord is charged for them.

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[Continued.]

4700. Earl of *Pembroke and Montgomery*.] But if these improvements that you speak of do not add anything to the letting value of the land, the Commissioners could neither assess nor take off any rent on account of them, could they?

Certainly not, and that is the reason why I would wish to have a report of their judgment, because it might be that the landlord would be able to show that what was charged for was positively a deterioration, or something utterly useless. Another instance of a so-called improvement is this. The tenants (again from their ignorance of farming), oftentimes at a great expenditure of labour, remove boulders of limestone, and so on, from a class of grazing land which is particularly good for sheep. They then break it up and turn it into the most inferior class of tillage, and it would be most unjust, in my opinion, if any allowance at all were given to the tenant for what no doubt was very laborious work on his part, but work which was at the same time useless to the landlord, if not a positive deterioration of the farm. I saw a case of that kind on the estate of Mr. Browne, the late Member for Mayo. A place was shown where the tenant had removed immense quantities of stone, but, as it was pointed out to me, it would have been much better for him to have left it in the condition in which it previously was. In an adjoining field of the same quality there was sweet grass growing, but there were also some thorn bushes growing there, of which the tenant complained. He said he could not allow his sheep to go amongst them because the bushes destroyed their wool, but with one-tenth the labour employed in taking away the boulders he could have removed all those bushes, and had a nice sweet pasture.

4701. Lord *Broborough*.] Does that refer to a tenant who came into Court? Yes; they were inspecting his holding.

4702. How did they deal with him?

The rent was largely reduced, but I cannot say whether there was any allowance made for the work I have mentioned. I should think not from the observation of the Sub-Commissioners.

4703. Earl of *Pembroke and Montgomery*.] If the landlord's counsel distinctly showed that such a reclamation as that was not an improvement at all, and added nothing to the pecuniary value of the farm, the Commissioners would have no choice but not to make any allowance on account of that, would they?

That brings me to another point which I wish to mention to the Committee. If the landlord had got particulars of those improvements beforehand he might be in a position to do that, but if a landlord has say, 30 or 40 small tenants in Court, all paying 5 l. or 6 l. a year rent, it is perfectly impossible for him to know what claims they will bring forward by way of improvements until he hears them in the Court, when it is too late to say anything about them.

4704. Has that ever arisen within your experience, that an unexpected claim for improvement has been brought forward by the tenant?

Certainly.

4705. Duke of *Norfolk*.] Surely the landlord's counsel could state to them what you have stated to us now, and in so few words; would not that have weight?

If the landlord's counsel knew it, it probably would, but unfortunately he does not know it. He hears an improvement claimed on account of a large quantity of stones taken from the land, but he does not know what class of land it is.

4706. Would not the landlord's agent be present to instruct him at once on those points, and say, "We look upon that as rather a deterioration than improvement"?

Very often in these small holdings there is not much known about them. The fields composing them are often widely scattered, and sometimes the place where each field is is unknown to the agent.

4707. Earl of *Pembroke and Montgomery*.] Does it happen in your experience in such a case that the landlord applied for a postponement?

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[Continued.]

The cases were so small that they would not bear the expense. The difficulty would be met by the tenant being compelled with his originating notice to serve notice of the improvements claimed.

4708. Duke of *Norfolk*.] Is it pure ignorance on the part of the tenants that makes them do the things you have referred to?

I think so.

4709. Lord *Tyrawley*.] If the reasons of the decisions were given by the Sub-Commissioners, I suppose there would be no difficulty in ascertaining whether you would have a good ground for appeal or not?

There would be very much less difficulty.

4710. And would it not be a great inducement to both landlord and tenant to settle out of Court, if they knew the actual reasons upon which the rents were fixed?

Yes, I think so. If the gross rent of the holding were stated by the Sub-Commissioners it would be a better guide than anything else.

4711. The gross rent of the holding, as it stands, do you mean?

The gross rent of the holding as it stands.

4712. I understand by the gross rent, you mean the fair rent?

The fair rent, excluding the tenant's improvements. If that were put down the landlord's valuer would be able to come to some idea as to the rent to be put upon another holding, and allow for the class of improvements upon that holding.

4713. If he knew what the fair rent of the holding was, and what was deducted for the improvements, he would then have some line to go upon by which he could arrange with the tenant out of Court?

Precisely so; that is what I mean.

4714. Have you formed any idea as to the time for appealing being sufficient?

The time for appealing is too short.

4715. Why do you think that?

It sometimes happened that the landlord was abroad, and the agent did not wish to take the responsibility of appealing upon himself, and the landlord could not be communicated with in time. Subsequent decisions, too, may render an appeal desirable.

4716. Have you formed any opinion as to whether it would be advantageous that the tenant should send in information as to his improvements with his originating notice?

I think it would be most desirable, and I do not think that being compelled to give particulars would put the tenant to any additional expense, because in my experience the tenant has usually a surveyor or a valuator, and it would be just as easy for him to go to the expense of engaging that valuator before he served the originating notice as afterwards.

4717. Would it not possibly prevent a tenant applying to the court who had not a good claim, if he were obliged to state what his claim was upon the originating notice?

I could hardly answer that. It is very difficult to get a man to believe that he has not a good case. Rent has been reduced in many cases where there were no improvements; I can give a most remarkable instance of that on Lord Clancarty's estate. A man there, who occupied a very respectable position (he was an agent and postmaster), had a farm from Lord Clancarty, for which he paid 60 £. a year. It was deteriorated by him; he had meadowed it three years consecutively, taking the mead off, and had done nothing whatever to maintain it, and that man's rent was reduced to 56 £.

4718. *Chairman*.] The question of deterioration ought to be taken into account, I suppose?

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[Continued.]

The Commissioners stated that they had taken the deterioration into account but even then they reduced his rent to 56 l.

4719. It has been suggested before us, in the course of our proceedings, that it might be advisable to make the tenant state accurately, on his originating notice, the amount of the reduction of rent that he wished for; what do you say as to that?

The originating notice would then be a most startling document. The reduction the tenant claims is something extraordinary in most of the cases that have come under my notice. Generally speaking, they say from Griffiths' valuation to half Griffiths' valuation, according to the part of the country.

4720. Do you not think that the occasionally startling nature of the document would be counterbalanced by the fact that the tenant would be bound by some distinct limit in the claim he made before the Court, because at present he is absolutely unbounded; he comes and asks a reduction of rent, it may amount to 100 per cent. or it may amount to 1 per cent., is not that so?

No. I think he would always take care to put his limit lower than he would be likely to get his rent reduced to.

4721. Lord Tyreane.] Have you formed any opinion as to the construction of the tribunal?

I think the constitution of the tribunal is very objectionable. I think it was a great mistake to have three members of the Court equal in position. A much better way, in my opinion, would be to have the two lay members of the Court valuers; to a certain extent I might describe them as assessors. I think that the legal member of the Court should be solely responsible for the rent fixed, and that the other two members should visit the farms, and, having heard the evidence, give in written reports, and I would go so far as to say that they ought to be examined and cross-examined as to those reports in court.

4722. Then they would not be in the position of deciding what a fair rent was if they could be cross-examined, would they?

I think it would be much better that the decision on the rent should be left to the legal Commissioner alone; he is supposed to be a judge of the weight of evidence, and is supposed to have some experience; the other gentlemen are not, and for all one knows, they may give weight to totally illegal considerations, without intending to do anything wrong.

4723. That is to say, that there being one lawyer and two laymen on this Commission, it is possible that the two laymen on a point of law might out-vote the lawyer?

No; the theory is that on a point of law they do not vote; that is the theory.

4724. Marquess of Salisbury.] Is that in their instructions?

I think so

4725. Lord Tyreane.] Is the duty of the lay Commissioners merely to form an opinion as to the value of the holding from what they see?

And from what they hear; and I believe that on No. 4 Sub-Commission, the inspection was really the important thing. They went almost altogether by the inspection. I wish to say that I think the plan proposed in the rules lately issued, if made more universal, would be the proper way of dealing with the matter. What I would suggest as about the best way to get the cases quickly settled, would be to have, in each case in which an originating notice is served, a valuer sent down; let him make a report in writing to the Head Commission, having met the landlord and the tenant on the ground; let him state the gross amount of rent of the land as it stands, the amount to be deducted for improvements, or added for deterioration, and let his award be published; and then, if the parties object to that, let them appeal.

4726. Let them appeal to whom?

That would be a matter of detail; they might appeal either to the Sub-Commission, or straight to the Head Commission.

4727. Would

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[Continued.]

4727. Would you not by your proposal do away with the Sub-Commission almost altogether?

Yes, almost altogether; if the appeal was to them there would be only about four Sub-Commissioners needed in Ireland.

4728. Marquess of Salisbury.] That result would not frighten you, would it?

No.

4729. Lord Brabourne.] If your plan could be carried out it would save immense delay and expense, would it not?

That is my principal motive for suggesting it. The saving of expense to landlord and tenant would be enormous. The objection made to the plan I suggest is that there would be no evidence before the valuer as to the improvements by the tenant; but I think in practice it would be found that when the landlord and tenant met on the land with the valuer, in the great majority of cases there would be no dispute at all as to the improvements, or as to who made them; and if there was a dispute it would be very easy for the valuer to find that the gross rent of the holding is so much, that there is a dispute with reference to a certain improvement, and if that belonged to the tenant he would deduct so much; if it did not belong to the tenant the rent would stand as he fixed it. It seems to me that that could easily be done.

4730. Earl Stanhope.] We were informed in evidence by Mr. Justice O'Hagan that such an alteration could not be made without amending the Act, is that your view?

That is quite possible.

4731. Lord Tyrone.] With regard to the valuers, did not Mr. McCarthy make some remarks?

Yes, at the sitting in Ballina he stated he did not care a straw for the evidence of professional valuers, or made use of some words to that effect.

4732. What was the effect of that remark upon the landlords who came before him?

In very many instances landlords have said to me, when I have suggested their having a valuator, that it was useless going to the expense of it, because the Court did not care for the evidence.

4733. Therefore I suppose it was left entirely to the two lay Commissioners?

In many cases.

4734. Do you think that that had an adverse effect as regards the landlord's interest?

It is impossible to say that; but at all events, it made it far more difficult to know whether you ought to appeal or not, because you had no estimate then on the landlord's part of what was a fair rent.

4735. Do you think that it would be a good thing to have a written report sent in of the opinions of the two lay Commissioners?

Yes.

4736. What advantage would that be?

It would enable the parties to know how the decisions were arrived at.

4737. Has the fact that many of them were only appointed for a year had any effect, do you think, upon the action of those Sub-Commissions?

I could not say that; but it is certainly most unfortunate that persons who have such an enormous amount of power given to them should be appointed for such a very short time, and be liable not to be reappointed. It must also be remembered that everything is left to the discretion of the persons so appointed.

4738. Have you been employed before the Chief Commissioners upon appeals?

No.

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4739. But

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[Continued.]

4739. But I suppose many of the cases in which you have been engaged before the Sub-Commissioners were appealed upon?

Yes, a good many.

4740. Therefore you have some knowledge of the result of the appeals?

Only what I have seen reported. I have heard considerable complaints that proper notice was not given to the landlords of the court valuers going upon the land.

4741. Have you got any suggestion to make as to assessing the value of the tenants' interest?

I have frequently asked Sub-Commission No. 4 to give me some idea as to the way in which they arrived at the value, but they have always declined. They said that it varied in different instances. The plan of the Commission that I am at present before has been practically to give the maximum amount of disturbance allowed by the Act, and any improvements that were proved to have been effected by the tenant.

4742. *Chairman.*] In fact they added together the interest created by the Act of 1870 and the Act of 1881, and said that that was the specified value of the tenancy, did they not?

Yes.

4743. *Lord Tyrone.*] I think you answered a question just now about deterioration. I should like to ask you another question with regard to it. In cases of deterioration, have the Sub-Commissioners ever refused to consider the cause?

Sub-Commission No. 4 never has; they have always stated, in giving their judgment, that they allowed for deterioration whenever it seemed to them necessary.

4744. By your reading of the Act, would it not be open to them to say that there was unreasonable conduct?

Unreasonable conduct, I fancy, under the Act would be held to mean something done consciously or intentionally by the tenant.

4745. *Marquess of Salisbury.*] Do you mean with the intention of being unreasonable?

No, I mean some intentional deterioration, something like deliberately breaking up ancient pasture or something of that sort. I do not mean merely bad farming; I do not think bad farming could be held to be misconduct.

4746. Do you mean to say that in the case of a man who has been farming for 15 years and has treated the land in such a way that it has deteriorated in value owing to ignorance of his business, and nothing more, that the Commissioners would not be able to take that into account as deterioration?

The Commissioners are bound to take the deterioration into account; but I was answering as to unreasonable conduct, which, in my opinion, ought to disentitle a tenant from any benefit under the Act.

4747. Would you not think that deterioration which had no ulterior motive except the tenant's profit, might be unreasonable. For instance, if he took the mow off the land for 10 years without manuring, would not that be unreasonable?

Certainly. The instance I gave was that of breaking up ancient pasture. If you break up ancient pasture and leave it worthless at the end of 15 years, that I think would be unreasonable conduct, such as your Lordship indicates.

4748. You do not mean to exclude cases where the tenant is acting with a view to save his own pocket?

I include those cases; I mean that mere bad farming, from ignorance, ought hardly be called unreasonable conduct such as ought to disentitle him from any benefit under the Act.

4749. Where he meant to do the best he could, and failed, because he did not know how, you think that would not disentitle him; is that what you mean?

Yes.

4750. *Lord*

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Mr. BIRN.

[Continued.]

4750. Lord *Brabourne*.] The effect upon the landlord would be the same, would it not?

Perhaps so.

4751. At the end of the 15 years, whether it proceeded from ignorance or intention, it would result in deterioration, would it not?

The landlord ought to be compensated, in my view, for deterioration caused by ignorance, but it is a different thing to say that the tenant should be excluded from the benefit of the Act in consequence of it.

4752. *Chairman*.] In the one case you would say he should not have the power of appealing to the Sub-Commissioners, or, in other words, that it might take away his *locus standi*, and that, in the other case, he might appeal, but that the case would probably go against him?

Just so.

4753. Lord *Tyrone*.] I understand the part of the country in which you were acting before the Sub-Commission was a very poor part of the country?

Yes, probably the poorest in Ireland.

4754. Have you formed any opinion as to what the effect of fixing what is called a fair rent would be in that part of the country?

I think that, in very large portions of the country in which I was acting for the landlords, even if the tenants paid no rent at all, they could not live with any degree of comfort. The tenants there can hardly be described as farmers in the ordinary sense of the word. They live by coming to England and labouring in the harvest and spring, or by fishing, and by burning kelp. The little patch of land they have they use for growing potatoes for use during the winter and the rest of the year by their families. Under those circumstances I think it makes very little difference to them, whether they pay 6*l.* a year or 4*l.* 10*s.*; though if the landlord has a great many of those tenants it makes a very considerable difference to him in the end whether the rents are paid at the full or reduced rate.

4755. Earl of *Pembroke and Montgomery*.] Surely, where people are so poor as that it must make a great deal of difference to them whether 6*l.* or 4*l.* 10*s.* will be the rent of their small plot of land?

The rent forms a very small item in their annual expenditure.

4756. *Chairman*.] Of course, in favourable seasons they are very well off, and in a bad season like that of 1879 they are starving, are they not?

Yes, if they have a good potato crop and good wages they can live fairly comfortably, or if the kelp is high.

4757. Lord *Tyrone*.] Do not their farms become deteriorated through the fact that just at the time they ought to be cultivating them they are away in England?

I think so; most of the labour is done by the women and the younger children, and consequently their holdings are not so well cultivated as they might be.

4758. Did one of the Sub-Commissioners before whom you were acting make any statement as to his opinion with regard to the present system of agriculture in the West of Ireland?

Yes, he said that, owing to the excessive use of guano, which had commenced in recent years, he believed that in 10 years, if the same course was pursued, there would be no produce at all in Connaught.

4759. Have you formed any opinion as to what would remedy this state of affairs?

I think that in those parts of the country where the land is very poor and the population dense, the true remedy would be emigration, or transplanting the inhabitants to other parts of the country where they might be put to cultivate larger farms.

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4760. Is

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Mr. BIRD.

[Continued.]

4760. Is it the size of the farm or the class of the soil which you think acts most against them?

Both; of course if a man has a large farm and bad land he is able to live on it better than he can do on a small farm of bad land. The land is very bad on those parts bordering on the sea coast, in Connemara, and in the mountainous parts generally.

4761. Have you been able, from your knowledge of Ireland generally, to form any opinion of the effect of the Land Act of 1881 upon the state of the country, that is as to whether the country has improved or deteriorated since that Act was passed?

I see no signs of improvement at all. The Act has not been long enough in operation to tell whether the reduced rents will be paid, but I have heard a great many persons more intimately acquainted with the west of Ireland than I am state that they do not believe the reduced rents will be paid any better than the old ones have been recently paid.

4762. Marquess of Salisbury.] You cannot tell me on what principle the Sub-Commissioners decide the question of a fair rent, but you can tell me on what principle you argue it?

It is a very difficult thing to know how to estimate a fair rent. Of course the theory is that there is a class of land that only pays the bare cost of production, and that the rent is the difference between that land and the particular land you are fixing the rent of, but in practice, I think, what is done by the valuers is this, if it is land that can be made grazing land of, they calculate how many collops, as we call them in Ireland, it will rear, and they give half to the landlord and half to the tenant; or if it is a tillage farm, they estimate the gross produce and seem to think that about a third of that would be fair for the landlord.

4763. Their view is that in grazing land half the gross produce belongs to the landlord, and in tillage land a third of the gross produce?

Some persons in the case of grass land go higher than that, and give more than half. In tillage land, as I have said, a third is the usual proportion given to the landlord.

4764. But that is what the valuers give; is that the principle on which you argue it, for I suppose you try by arguments to enforce your views upon the Sub-Commissioners?

I cannot say that I have argued the principle of fair rent very much more than by endeavouring to show the fair proportion that ought to go to the landlord.

4765. You do not, I suppose, try to enforce Mr. Mill's theory, which you just now stated?

I think, in theory, it is a very good one, but I do not see how in practice you can ever make use of it.

4766. Do you press upon the Sub-Commission that numerical doctrine which you have alluded to of a certain proportion of the gross produce belonging to the landlord?

I have not liked to press that very much, because I have found that the tenant's account of his gross produce was so very small that it would reduce the landlord's rent to almost nothing. It is not an uncommon thing to have a tenant state that he did not reap as much corn as he sowed, and so on. That is the kind of statement that is made, and you have to trust, to a great extent, to the knowledge that a man acquainted with agriculture has of the amount of produce which land properly farmed ought to yield.

4767. Still you would argue on a certain proportion of the gross produce which you would, by hypothesis, assign to particular land?

Yes.

4768. You do not take into consideration any hypothetical competition, or what is called the letting value of the land?

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Mr. BIRD.

[Continued.]

In Ireland the idea of competition seems to have been obliterated altogether. That is the difficulty.

4769. You do not [call into aid the supposition of what it would be if the market were open?

I have often tried to do that, but I was always informed by the court that the competition value in Ireland had ceased to be one of the elements, and that the competition value was far above any real value, and totally fictitious.

4770. Then, at all events, you got that amount of information as to the process of reasoning pursued by these courts, namely, that they do not admit the idea of any hypothetical competition?

I think I may say that.

4771. If they determine fair rent on any principle, they must determine it on some other principle?

Yes.

4772. And you are inclined to think that they take the produce in some way or other into consideration?

I think so.

4773. Do they ask any questions indicating that that is the bent of their thoughts?

I think they are more inclined to find out the depth of the soil and nature of the subsoil and the aspect of the land.

4774. And that is only a mere expectation of the produce it gives, is it?

I think from that a skilful valuator ought to be able to estimate the produce approximately.

4775. You think that that is the line of reasoning they pursue?

I think so.

4776. Lord *Brabourne*.] And also as to the labour required?

Yes.

4777. Marquess of *Salisbury*.] Is this main element of their decision, viz., the character of the soil, and aspect, and so forth, chiefly ascertained by the evidence of persons who have been on the land and can speak to it, or by their own eyes?

By both.

4778. To which do you think they attach most importance?

I think on Sub-Commission No. 4, almost the entire importance was attached to the inspection.

4779. Then they are acting upon evidence which by its very nature has not been subjected to cross-examination?

Yes; and of course it must be always remembered that they are strangers to the district, and that land that may look to them very poor land may not be poor at all, and may give very good crops.

4780. They may have derived from that inspection, or still more from what they hear upon the land; impressions which might, upon cross-examination by counsel, be materially modified, may they not?

They may.

4781. Is it not another result of that system that they deprive the landlord or tenant, as the case may be, of the opportunity of rebutting, by counter-evidence, any impression which their inspection may have induced them to form?

Yes; the inspection takes place, as a rule, after the hearing, and then the judgment is given, and there is nothing more.

4782. They may calculate upon some drain as being particularly useful, when you have evidence, if only called upon to produce it, showing that it is perfectly useless, but you have no opportunity of producing that evidence?

Yes.

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4783. I do

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Mr. BIRD.

[Continued.]

4783. I do not know whether there is any other department of judicial investigation in which the judge himself acts the part of witness; are you acquainted with any?

No.

4784. An attempt has been made to compare it to the case of a coroners' jury viewing the place in which any accident takes place; but I suppose you would not admit that there was any substantial analogy between the two cases, would you?

It makes very little difference to anybody what the persons on a coroner's jury find; but it makes very material difference what is found with regard to the landlord's interest in the land.

4785. There is no other instance, in our judicial system, of a decision between the claims of two litigants being formed upon the personal inspection of the judge, is there?

I think most certainly not.

4786. Lord *Brabourne*.] Does not a jury, in the Court of Sewers, very often view the gates, or rather the walls of the sewers, they have to decide upon?

A view jury is common; but that is merely for the elucidation of the evidence.

4787. Does it not make a material difference, especially to a stranger, as to the time of year at which he views the land?

I think so, especially in mountainous or boggy land.

4788. Marquess of *Salisbury*.] Have you accompanied any of the Sub-Commissioners when they have viewed the land?

Two or three times.

4789. Do they maintain an absolute silence?

So far that they give no hint of what their decision will be.

4790. I suppose they ask questions?

Very few; they can see for themselves.

4791. Do they maintain absolute silence?

No; they do not maintain absolute silence.

4792. They discuss the matter, I suppose?

No; there is no discussion as to what their decision would be. They each take notes.

4793. Do they proceed with absolute taciturnity taking notes?

No; the Commissioners allow the landlord and a friend, and the tenant and a friend, to accompany them on the ground, but they limit it to these. Then they go into a field, and they ask "how many acres are there in this field." The peculiarity of the inspection is that all calculations there are made in Irish acres, while statute acres are the rule in Court; all parties probably agree between themselves how many acres there are in a particular field; the Commissioners ask the tenant whether he would like to dig a hole anywhere; the tenant digs a hole in the worst place he can select, and then the landlord gets a hole dug in the best place he can select. The inspectors then get holes dug in the place they select; they look at each other, put something down on their notes, and go into the next field and pursue the same course.

4794. Do they ask for information?

Yes, they say to the landlord "do you admit that the tenant built this house." As a rule the landlord says he does. They say "do you admit that that drain was made by the tenant," and the landlord probably says he does not know anything about it, and the tenant says that it was.

4795. If the landlord contradicts the tenant do they proceed to cross-examine on the spot?

No; they say "we will read our notes when we get back," and they take a note of the dispute.

4796. Suppose

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[Continued.]

4796. Suppose the subject has not been entered in their notes?

A difficulty arises then; but it is the experience I gained in the few inspections I was present at that makes me say that if the valuer goes down and meets the landlord and the tenant, there will be no dispute at all in the majority of the cases; they will agree there far better and more easily than in Court.

4797. But the process in Court, as the matter is at present conducted, if it is to throw any light at all upon the questions in issue that may arise upon an inspection, must throw it by anticipation?

Yes, unless they choose to inspect beforehand, as they sometimes, but very rarely, do.

4798. As a general rule the examination in Court comes first, and the inspection afterwards; if the examination is to throw any light upon the inspection, it can only be by anticipation, can it?

That is so.

4799. Lord *Brabourne*.] I understand your evidence to come to this: first of all that you think most of these cases might be decided on the spot with great facility, and at much less expense than in Court; and, in the next place, if there is to be a Sub-Commission, one legal member, aided by a valuator, would be the better system?

Yes; that sums up my evidence on that point, except that I would prefer to have two valuers if the present system is to continue.

4800. Have you had to consider the question of arrears at all?

The arrears question in the west of Ireland is the most important of all questions.

4801. Does the question of arrears at the present time operate very much to prevent settlements between landlord and tenant?

Yes.

4802. Do you think if that question could be satisfactorily dealt with that it would promote settlements?

I think it would, especially so among the small tenants in the west of Ireland. If that question were settled, I think they would be much more disposed to settle down than they are at present.

4803. Do you think there is an incapability to pay amongst them, or a disposition to profess inability to pay, in the hope that the Legislature will aid them in the final settlement?

I think in some cases, and I may say in the majority of cases, they are unable to pay all the arrears. They may be able to pay a portion of them, but the money that ought to have gone to the landlord has been frittered away in small sums by them, consequently they are now unable to pay the two, three, or four years' arrears that they have as a burden round their necks.

4804. Is the average amount of arrears as much as three or four years?

I think they average between two and three years certainly.

4805. *Chairman*.] That is speaking of Connaught, I suppose?

Not of Connaught altogether, because there are some very good lands there, and good tenants too; but I am talking of the extreme west, the western coast, and particularly in Connemara; Donegal is just as bad, I have heard.

4806. Lord *Brabourne*.] No doubt there has been a good deal of distress among them, has there not?

Not during the last couple of years. I think in 1879 there was a good deal of distress.

4807. During the last two years I suppose the social agitation has overcome everything, has it not?

Yes. The potato crop last year was a magnificent one, owing to the introduction of new seed. That is the great crop in that part of Ireland.

4808. The money they did receive then did not go into the legitimate
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[Continued.]

pockets, I suppose; that it to say, it did not go to satisfy the arrears, as it ought to have done?

It went to the shopkeepers, or a good deal of it.

4809. Was that on account of the greater sympathy with the shopkeepers, or on account of any other reason?

I think probably the shopkeeper was harder than the landlord.

4810. Earl of Pembroke and Montgomery.] The shopkeeper could stop the supplies, whereas the landlord could not take away the land, you mean?

Yes; he had means of getting at the money that the landlord had not.

4811. Earl Stanhope.] Do you think if some proposal were made for dealing with arrears that it would give satisfaction?

I think so, both to landlord and tenant.

4812. From your experience, do you not think that if arrears were forgiven they would often recur?

I think it would be a great mistake to forgive arrears altogether.

4813. Supposing that by State assistance arrears were wiped off, do you not think that in a few years they would come back again?

I think on the west coast when the bad harvests come there would be great difficulty in getting money payment for anything.

4814. Chairman.] There are one or two questions arising out of your examination by Lord Salisbury as to the manner of inspection, and as to the uncertainty of the statistics which are gained by that inspection; do you ever find any difficulty arising in Court as to the areas of farms?

Yes, there are continual disputes about area.

4815. It may be a very serious thing, may it not, when the originating notice is put in stating the area of the farm at so much an acre, giving the gross rent, if it should happen that somehow on account of evidence given the area is suddenly reduced, inasmuch as the gross rental would have to be reduced to so much an acre?

Yes.

4816. And very serious loss may be occasioned in that way, may it not?

Certainly. The tenant usually gets the area from the poor law books, and these are sometimes quite incorrect. Then the landlord has only his estate map, which would enable him to contradict that. The estate map probably cannot be made evidence, owing to the fact that the man who made it is not capable of being produced.

4817. Earl Stanhope.] The Poor Law map does not give field and field valuation, does it?

The area in the Poor Law books is, I believe, taken from the Ordnance Survey, but I do not think that the latter gives a field and field valuation.

4818. Then it would be perfectly useless unless it is scaled off in cases such as you have described when the Sub-Commissioners go into a field and say, "what is the acreage of this field?"

That is so; but the accuracy with which a man experienced in the matter can guess the acreage of a field is perfectly astonishing.

4819. Chairman.] But it may very frequently happen that a landlord may have employed a valuator who will have gone *seriatim* over the different fields in a farm, and will have settled so many fields, so many acres, valued at so much; so many fields, so many acres, valued at so much; and thereby will ascertain the gross acreage, and what he believes to be the gross value of the farm, and the tenant in Court may say, "No, that is not the area of the farm at all; my area of the farm is so much less"; are any steps ever taken to ascertain in cases of dispute of that sort what the actual area of the farm is?

The rule adopted by No. 4 Sub-Commission was, that if the tenant persisted in disputing the landlord's area, and was unable to produce satisfactory evidence as to what the area was, the case was adjourned.

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[Continued.]

4820. For what purpose was it adjourned?

For the purpose of having the true area ascertained.

4821. Who ascertained it?

The tenant then was bound to do it. It generally happened that the landlord's valuator had not made a chain survey, but had merely taken the quantities off the map, which was not in evidence; consequently we could not make use of that. The result was that the landlord was put to the expense of the adjourned trial, owing to there being no proof of the area. In other cases they dismissed the case, but generally speaking, it was adjourned.

4822. You have never seen any case where the Court insisted on splitting the difference and going on with the case, have you?

No, but in one case they insisted upon sending out a valuer under the power given under the Act. The result was that the tenants refused to pay the valuer, and the valuer had to stop after working a day; and the case had to be dismissed after about a week's delay.

4823. Who bore the costs in those cases?

I think the cases were dismissed without costs.

4824. Therefore the landlord was dragged into Court, and because the tenant did not choose to practically support and verify his statement as to the area of the farm, the landlord had to pay the costs all the same, although the case was dismissed?

Yes. In the case I allude to the tenants had employed a surveyor, but the Commissioners came to the conclusion his evidence could not be relied upon.

4825. What would you suggest in cases of that sort, where there are disputes as to the area; could not a Court surveyor be provided just as easily as a valuator?

Yes, and I think if it turned out that the area was wrongly stated in the notice the tenant should pay the expenses of the surveyor.

4826. Lord Tyrone.] With regard to the purchase clauses of the Act, I suppose you are of opinion that they are not workable as they are at present?

No, I do not think they are workable.

4827. Do you think that it is important that they should be made workable? Most important.

4828. What is your opinion of the position occupied by landlord and tenant at present with respect to the ownership of the land?

I think that for the future the tenant will have from about a fourth to a third of the ownership of the soil.

4829. That is to say, that you think it a joint ownership?

It is a joint ownership.

4830. Do you consider it is possible that a joint ownership of the land can be retained in Ireland?

I am afraid it would be very difficult to retain it, for this reason, very soon from the action of bankers and local usurers, and so on, holdings will be put up for sale, and a large sum will be given for the tenant's interest in the holding; then the tenant will come in impoverished by either having paid away all his capital, or having had to borrow the sum that he paid. He cannot get at the man who has gone away with the money in his pocket, but he can get at the rent, and there will be a constant attempt to cut down the rent; that is, the landlord's share of the partnership.

4831. Therefore you think the present position of affairs cannot possibly go on, and that there will be an alteration made?

As far as I can see it will be very difficult to keep it as it is.

4832. With regard to the men who have mortgages on their properties, have you any knowledge of the position which they will be likely to be reduced to?

I think a very large proportion of the present landed gentry of Ireland will have no margin at all left.

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[Continued.]

4833. Will their properties be saleable?
I fear not.

4834. What is to happen to them in your opinion?

Ruin, I suppose. I consider that fully a third of the landlords in the West of Ireland will be almost if not quite ruined.

4835. Then will it not be necessary to make some alteration in the purchase clauses to meet such a tremendous difficulty as you have mentioned?

I think so, though it is extremely difficult to say in what direction that alteration ought to be made.

4836. I merely wish to know whether it is your opinion that an alteration is necessary?

Absolutely necessary.

4837. I also understand that you think a large proportion of landlords in Ireland would be absolutely ruined by this Act who were in comfortable circumstances before?

I think so, but you will understand that I speak of the west of Ireland only; I am not acquainted with any other portion.

4838. You think that will be the result in the portion with which you are acquainted?

Certainly.

4839. Earl of *Pembroke and Montgomery*.] I do not quite understand how you arrive at the conclusion that a tenant's interest is about a third of the value?

Supposing the landlord's interest is about 20 years' purchase of the holding, the tenant's interest will be from 10 to 15 years' purchase; at least 10.

4840. Is not 10 years' purchase rather low?

I prefer to put it low. In the north, I believe, it is much higher; but from inquiry I have made I find that from nine to eleven years' purchase is about the average.

4841. Lord *Brabourne*.] Are you speaking of the tenant's right?

Yes.

4842. Marquess of *Salisbury*.] I suppose the public took a great interest in the proceedings of these Courts?

At first it was a most extraordinary scene; the excitement in Court was tremendous.

4843. You mean that there was an overwhelming interest manifested?

Yes.

4844. Do the spectators interrupt at all?

In the beginning, at Ballina, they interrupted a great deal. When the landlord's surveyor was giving evidence there was always a murmur when he stated the amount per acre at which he valued the land; they were in the habit of making a noise, which is very common in Ireland, which expresses disapprobation very strongly.

4845. Did they express approbation or disapprobation of the Commissioners' proceedings?

They occasionally applauded, but after the first week or ten days the Commissioners took very strong proceedings about that. I stopped and said that I could not go on with the case if manifestations of feeling were allowed in Court, and instructions were given to the police to see that they were stopped, and they were then stopped.

4846. At first the Commissioners used to make observations of a popular character, did they not?

Mr. MacCarthy used to make long addresses at the opening of the Court, which always excited approval.

4847. And

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[Continued.]

4847. And which were not exactly favourable to the landlord's interest, I gather?

No; they were not favourable, I should say.

4848. He appears to have looked upon the Act as one passed mainly in the interest of the tenant?

Clearly.

4849. And he announced his intention of administering it in that sense, did he not?

He always stated that he would give the most impartial justice, but he always informed the tenants that for the future they were safe in their holdings, and that their improvements were secured; but on one or two occasions he told them that he hoped there would be no manifestations in Court.

4850. Lord Brabourne.] Do you know any other Court where the judge has addressed one of the classes of suitors in those terms?

No, I do not think so. I think that at first there was an idea that the tenants would not take advantage of the Act.

4851. Earl Stanhope.] Was there any attempt on the part of the judges to stop disturbance and interruption?

Yes.

4852. Was the Court cleared on some occasions?

It never went so far as that; it was not necessary. As soon as strong measures were taken, that is as soon as the police were told that the Court must be conducted as an ordinary Court, the people became quiet.

4853. Lord Brabourne.] Do you think those addresses of Mr. MacCarthy were intended as an encouragement to the tenants to come into Court?

I could hardly say that; they were certainly ill-advised according to my opinion, but they were stopped after the first two or three sittings.

4854. Chairman.] Has it ever come under your notice in the Court that counsel has examined witnesses upon matters concerning the antecedents and character of the landlord, or the agent, or the tenant?

I always kept that evidence out, and it was always ruled in my favour by the Court that they would not allow any attacks on landlords or agents.

4855. It has never come under your personal notice you say?

It has often been attempted, but it has never been allowed to be proceeded with. I may say the great difficulty I had in Court was with the valuers. The valuers seem to think that land is now to be valued on quite a new principle, and a very common mistake they made was this: they valued a farm as it stood, that is, without the house. Having been informed that the tenant built the house they deducted 15 s. or 30 s. a year for the house.

4856. So that they took the improvement into account twice over?

Yes. Strangely enough that was done by landlords' valuers of considerable eminence.

4857. Marquess of Salisbury.] Is that under the Act of Parliament?

Yes; they believed that under the recent Act they were compelled to take that course. That happened only very recently.

4858. Do you find that valuers were impeded, through any sort of intimidation, from entirely doing their duty?

I think that a local valuer would be more than a man if he was able to give his evidence without some fear of disapprobation of the people about him.

4859. And that, therefore, the landlord has not much chance as to evidence of value?

He is in this difficulty: he must either get a local man, and run the risk of
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[Continued.]

having evidence given which is not favourable to him, or get a man from a distance, who probably does not know the land very well; valuers, too, are greatly tempted to value the land not as they would have formerly done, but upon the scale they think the Commissioners have adopted.

4860. Does the Court give any preference to local valuers over valuers from a distance?

Sub-Commissioner No. 4 has not paid much attention to valuers at all.

4861. *Chairman.*] You had a distinct utterance to the effect that they would not do so, did you not?

Yes.

4862. *Marquess of Salisbury.*] The only thing they agreed about was this walk of inspection?

Yes, that was gone into by them in greater detail, and they took more trouble about it than other Commissioners, so far as I can ascertain.

4863. They never inspect by moonlight, do they?

No, I have asked several agents about that, and they have always stated that they thought that the inspection of No. 4 Sub-Commission was very careful.

4864. *Lord Tyrone.*] Did they inspect land when there was a good deal of water upon it?

The only instance in which I think that kind of land came before them, was on Lord Lucan's property. They adjourned those cases, and I remember the tenants stating in Court that the adjournment was very unfair, because the water would be off the land when the Commissioners came the next time.

4865. *Duke of Norfolk.*] The position of the landlords would become a very hopeless one unless some relief was given to them as might be done through the action of the purchase clauses, would it not. But apart from the question of landlords' interests, do you think, having regard to the state of the country generally, that this kind of dual ownership in land, as it exists at present, is satisfactory?

No, I think the tenants will look forward to getting more from the landlords. Then there is the great temptation to them towards the end of 15 years to deteriorate the land and try to make it look badly for the new inspection; so that for the sake of the country itself, I think it will be better that the landlord and tenant should finally dissolve partnership.

4866. So far as your experience goes, has not this state of things been brought about by recent legislation, which would make the purchase clauses desirable from a point of view that did not exist before?

Yes.

4867. And do you think that even if they were not desirable before, they would be desirable now?

Yes.

4868. And that for reasons operating not merely on behalf of the landlord?

That is so. Of course one cannot tell what the effect will be hereafter of making proprietors of that sort; but that is another question.

Adjourned to Thursday next, at Twelve o'clock.

Die Veneris, 19^o Maii, 1882.

LORDS PRESENT:

Duke of MARLBOROUGH.
Duke of SUTHERLAND.
Marquess of SALISBURY.
Earl of PEMBROKE and
MONTGOMERY.
Earl STANHOPE.

Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARTSFORT.
Lord KENY.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

The RIGHT HONOURABLE THE EARL OF BELMORE, is called in; and
Examined, as follows:

4869. *Chairman.*] YOUR Lordship owns property in some of the northern counties in Ireland, I think?

Yes. If you will allow me, I will very briefly describe what it consists of, and the terms of tenure under which I hold it. I own, in the north of Ireland, two distinct properties. One of them is in the county of Tyrone; it is an estate of between 14,000 and 15,000 statute acres; the greater part of it consists of a manor called the manor of Finagh, and I hold it in settlement in the ordinary way. It has been in my family for about 175 years, and was acquired by purchase. The greater part of it is of the ordinary character occupied by tenants, holding either by terminable leases or as yearly tenants, but there are in connection with it six townlands, some of them of considerable extent, which are held under me by fee-farm grants which were made long ago; consequently the head rents, owing to the fall in the value of money, now represent only a very small portion of the value of the land. There is also one townland which originally was of the same character, but the whole interest in it was acquired by the original purchaser very shortly after he purchased the property.

4870. Do you mean that a portion of the property held on a fee-farm rent is in the hands of the occupying tenants or other tenants?

No, it is in the hands practically of middlemen, with tenants under them. The remainder of the property, which is in the same district, is a portion of a very much larger estate which was sold in the Landed Estates Court about 30 years ago, and of that portion of the estate I am absolute owner. My other estate, which came from another branch of my family, the Corry family, is in the county Fermanagh, and upon it I reside. I have no residence upon the first-mentioned estate, and my family never had a residence upon the portion that still remains to me. The estate in Fermanagh is mostly of the character of fee-simple property, but I have only a life interest in it under my own settlements. A portion of it, however, is church land. It was originally part of the See of Clogher estate, which was a very extensive one in Fermanagh, and formerly was held upon lease renewable every 21 years, or on surrender of the lease to the Bishop at an earlier period, on payment of a fine and taking out a new lease. After the Act dealing with church property was passed about 1837 or 1838, my grandfather, who was then in possession, purchased the perpetuity by paying a considerable fine, and his sub-tenants contributed towards that fine; and until the Irish Church Act of 1869 we were tenants of the See at a fixed rent, only liable to be varied under certain conditions which never arose. After the passing

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of the Church Act, I took advantage of the Act, and bought up the headrent by paying 25 per cent. of it down to the Commissioners out of my own funds, and the remainder of it was converted into a terminable annuity which, will end at the end of 32 years, I think, from the time that the composition was made. The terminable annuity exceeds the old head rent by a few pounds. I have also a small head rent in the county of Monaghan.

4871. Perhaps, without going into detail, you will allow me to ask you generally a question; you have possibly read the Report of the Committee which they have made and in which they have spoken on the subject of purchases made by occupying tenants?

Yes.

4872. You have considered that question, I have no doubt, very much? I have considered that question for a very long time.

4873. Have you any observations you would like to make upon the proposals the Committee have suggested?

Yes, I should like to make some observations upon that matter; but, perhaps you will allow me to state what I have done in endeavouring to carry out the clauses of the Act of last year. Last autumn I issued a circular to my tenants on my Tyrone estate (where I do not reside), offering to grant to any tenant who liked it a fee-farm grant of his farm, fining down either the whole of the rent (at a rate which might be agreed upon between us), or if he preferred it, and it was more convenient to him, fining down a portion of his rent, and paying the balance as a fixed sum. I had done something of this sort many years ago, on the portion of the estate over which I had absolute power, to a limited extent, and I drew my tenants' attention to what I had done. In response to that offer I had a certain number of applications; I do not know whether your Lordships would care that I should state them.

4874. No, we do not wish the details only so far as they establish any principle; have you completed any purchases?

No, I have not yet completed any purchases. Perhaps you will allow me to state the reason why they are not yet completed. In one case, the tenant having agreed to my terms, and been called upon to sign the formal proposal which the Land Commissioners require before they will grant a loan, papers were sent to him, and his solicitor informed my solicitor that he was unable to raise the balance of the fine out of his own resources, and therefore that matter is in suspense for the present. In another case, the tenant since making the offer has endeavoured to re-open the bargain, and as it was a very small matter, I told him I was not prepared to let him re-open it, but if he chose to cry off altogether I had no objection, and I have heard no more of that case. The other cases are in suspense for another reason, and that is the difficulty that has arisen as to carrying out the 24th section of the Act; that is the one with regard to limited owners and leasing powers.

4875. What are the difficulties you refer to?

The difficulties that have arisen are these: the 10th section is very loosely drawn, and its interpretation is doubtful, and may lead to much confusion. In the Act of 1870 it was enacted by Section 30 that the powers of leasing thereby conferred were to be deemed to be in addition to any other powers which a limited owner might possess. There is no similar provision in the Act of 1881. The following questions suggest themselves on Section 10: first, could the landlord and tenant of a present tenancy now contract for a lease of over 31 years, save with the sanction of the Court; secondly, could the landlord and tenant of a future tenancy do so; thirdly, the Court is bound, if there is a subsisting tenancy, to consider the interest of the tenant, and, if there is a limited owner, to consider subsequent interests; but why should the Court's sanction be needed in any other case? By Sections 11 and 12 an absolute owner can create fixed tenancies, subject to a fee-farm rent not subject to re-valuation, without the sanction of the Court. It would thus appear that there is more difficulty about the grant of a judicial lease than a fixed tenancy. Why should this be? Section 23
confers

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[Continued.]

confers on a limited owner the powers which an absolute owner might exercise under the Act subject to the sanction of the Court. Does this enable a limited owner to make judicial leases and fixed tenancies without regard to conditions of his leasing power? I may say, in addition to that, that before we proceeded to take any steps to have the leases drafted, I applied to the Commissioners to know whether they advised me to proceed under the 26th section of the Act, which is the section that enables the Court to buy and to re-sell to the tenants, or to proceed under the 24th section of the Act, and I asked them whether they were prepared to consider a single holding as an estate. The reply I got was that if I wished it they would consider a single holding as an estate, but that they preferred and advised that I should proceed under the 24th section of the Act.

4876. Have you had any experience of the working of the Sub-Commissions in the settling of fair rents?

I have not had any cases actually tried in court. I have had a great number of notices served upon me on my Tyrone estate; I have only had one or two on the other. I have endeavoured, at the request of some of my tenants (which was made after they found, by the decision of the Land Commissioners, that the tenants were liable, *prima facie*, to pay their own costs), to settle out of court. I said that I was willing to try and do so, and in the absence of any basis that we could understand, we were obliged to take the Government valuation, and to add a per-centage to it.

4877. By the Government valuation you mean Griffith's valuation?

Griffith's valuation of the land, setting aside the houses, and adding a per-centage to it. I think about 70 persons applied. I do not know that they were exactly the same persons as had served notices originally; probably most of them were, and there might have been a few who were not. Out of those 70 persons only 20 accepted the offer I made them, and which was made after a very careful examination of each case by my agent, who knows the circumstances of the farms of course better than I do myself.

4878. Then the result was that on your own property you have not had any cases tried in court?

I have not had any cases tried in court yet.

4879. You have settled a certain number, about 20 you say, out of court?

I have so far settled them that the tenants have agreed; but we have not had the judicial forms completed yet.

4880. Lord Tyrone.] The statutory terms are not signed yet, you mean?

The statutory terms are not signed yet.

4881. Therefore it is in the power of the tenants to go back upon their agreement, is it not?

I suppose it is.

4882. Chairman.] In your part of the country have there been many cases in which judicial rents have been fixed by the court?

I think in Tyrone there have been a good many cases. In Fermanagh I do not think there can have been a great many cases about my own immediate neighbourhood, because, on the first occasion that the Commissioners came round they really had but time to bear a very few cases in the time they were there, and they were then taken away to another part of Ireland; we have had three sets of Commissioners in Fermanagh already, or at least we have the third set now beginning to work.

4883. Lord Tyrone.] Do you think the removing of the Commissioners from one place to another is injurious, or do you think that it would be better that the Commissioners should remain where they had learnt the circumstances of the district?

I think it would be better.

4884. Have you anything further that you wish to bring before the Committee?

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There

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Earl of BELMORE.

[Continued.]

There are one or two points I should like to bring before the Committee. I was asked by the Chairman whether I had read the Report that was issued the other day, and there is one point upon which I should like to make a remark. I think, that although I quite agree with all that has been stated in that Report, with regard to the purchase clauses, we ought to go rather further, and that we should give power to owners of land to call upon the Government, in case an owner has failed to agree with his tenants for a sale, to purchase from him at some reasonable rent, which might be fixed by Parliament, or rather the basis of arriving at it might be fixed by Parliament, and the reason I say so is, because, as I stated just now, having agreed with a tenant for a purchase, he has gone back upon his bargain (I have his letter here), and made another proposition, which was, in my view, entirely unreasonable, endeavouring to reduce the amount of his purchase money, I think, by about two-fifths.

4885. But that is with regard to a purchase under the Act of 1881 as it is at present?

As it is at present, or as it would be in any case.

4886. But might not the inducements to buy be increased if our suggestion was adopted, and might not that make the tenant much more inclined to buy than he would be at present?

It might make him more inclined, but I do not think it would be sufficient inducement. I think that, at present, tenants are not disposed to purchase their holdings; they expect great reductions, and that they can then buy cheaper if they wish.

4887. With regard to your proposition as to making the Commissioners buy from the landlord, where he has failed to agree with his tenants, I suppose you propose that the Commissioners should then sell to the tenants; you do not propose that the Commissioners should remain as landlords, do you?

I should propose that they should ultimately sell to the tenants; but of course, unless you make the matter compulsory, it may so happen that the Commissioners would have to hold the lands for a time; but my idea is that if the tenants knew that if they would not agree with the landlord, the landlord would have the power of handing them over to the State as a landlord, they would then probably agree to reasonable terms.

4888. Do you not think it would be an extremely dangerous thing to bring in the question of compulsion at all?

I do not think you do bring in compulsion.

4889. If you bring in compulsion to the tenant you should surely bring it in to the landlord as well, should you not?

I do not propose to bring it in to the tenant; I only propose to bring it in as regards the State.

4890. You then propose to make the State the landlord?

If the tenant will not buy from them.

4891. You do not look forward to the certainty of the tenants buying, but only to the possibility of the tenants buying?

I look forward to the probability of the tenants buying when they think that they can no longer get better terms by holding out.

4892. Then if your proposition was carried out, any landlord in Ireland could call upon the State at once to buy?

Exactly so.

4893. Lord *Brabourne*.] Then in fact, you would shift the inconvenience experienced now by the landlord on to the State?

I would.

4894. Lord *Tyrone*.] Would not that be to embark in an enormously large and dangerous undertaking?

I do not think so.

4895. Might

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[Continued.]

4895. Might not the whole of the land of Ireland be at once brought into the market?

No; I do not think there would be the slightest chance of that, because I feel quite sure that Parliament would not authorise such terms to be given to the landlord as would render the transaction a losing one to the Exchequer, and I do not think that many landlords would be willing to sell upon terms that were not such as would give them an income, at any rate, somewhat approaching that which they now possess.

4896. You are aware that in our preliminary Report there is no mention of the number of years' purchase?

Yes, I believe that is so.

4897. According to your theory, there would be a hard-and-fast line.

As a minimum, of course, there must be. Either a hard-and-fast line must be drawn, or else some general powers must be given to somebody or to some tribunal to fix the valuation at which the sale should take place.

4898. Marquess of Salisbury.] What tribunal would you like to entrust with that power?

The tribunal that had to conduct the purchase. I do not think the landlord could complain, if he had this power given to him, that the party to whom he was to sell, namely, the State, should be able to say, We will certainly buy from you, but we will not give more than a minimum amount of purchase, which will enable us presumably not to lose anything pecuniarily by the transaction. I would suppose that the tribunal would probably fix a lower rate, and that it should be authorised to fix a somewhat lower rate than what might be expected to be given by a tenant if the tenant and the landlord were able to agree directly between themselves.

4899. Earl of Pembroke and Montgomery.] Has it never occurred to you that if you had a hard-and-fast line of that sort laid down by Parliament that you might, and probably would, have at once an agitation set on foot for compulsory sale?

I cannot answer that question; I think the difficulty at present is to get people to purchase.

4900. Lord Tyrone.] With regard to the hard-and-fast line, do you not think that it would be extremely unfair to name a certain number of years' purchase, taking into consideration the different classes of property, the different classes of land, and, I may say, the different amounts of rent paid for the same class of land all over Ireland?

I do not think you could possibly, in an Act of Parliament, say that land is to be sold at 20 or 22 years' purchase; but you might arrive at what would be a fair number of years' purchase in any particular locality through the medium of Griffith's valuation, adding to it a certain amount, which could easily be ascertained, I imagine, in the Valuation Office; because that was, no doubt, a scientific valuation, and it bore some reference to the letting value of land in each county; and I am informed that by searching the books in that office, and particularly by examining the field books, with a little trouble, what ought to be added to Griffith's valuation might be ascertained for any particular district.

4901. You would have to add a very large sum of money to Griffith's valuation in the south compared with what you would in the north, would you not?

I believe that would be the case. As far as I have been able to ascertain from all the inquiries I have made, there is a very great difference between the south and the north. In the north itself, there is also a considerable difference. For instance, in the county in which I live (Fermanagh), about 2s. 6d. or 3s. in the £. added to Griffith's valuation of the land at the time that it was made was considered a fair rent; whereas, in the county of Armagh, I believe it is admitted by almost everybody that Griffith's valuation, which was made for that county last of all, was about what would be considered a fair rent; and, in fact, a very extensive agent, himself also a landowner, landowner remarked

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to me the other day that he only wished he could get Griffith's valuation as a rent, and that without any reference to what the Sub-Commissioners are doing.

4902. Are you aware that the amount of years' purchase paid in the Encumbered Estates Court, in different districts, we will say, up to the bad times beginning, varied extremely?

I could not give you a definite answer to that question. I have been in the Encumbered Estates Court myself, but I do not profess to know much of what was done outside the north of Ireland.

4903. Might not a man be prepared to buy, in a quiet, peaceable county, at a larger number of years' purchase than that at which he would be prepared to buy in a very disturbed part of Ireland?

I think it is very likely that a man would be willing to buy at a greater number of years' purchase in my neighbourhood about Enniskillen, than within 16 or 18 miles of me, in the county of Leitrim.

4904. Therefore, how could you possibly arrive at a hard-and-fast line under those circumstances?

If the thing is to be done, you must have some basis to go upon. Of course I assume that the landlord is not bound to sell unless he wishes to do so.

4905. As far as the basis goes, do you not think, if you go upon a basis, it should be a correct basis?

I think it is a correct basis. I think it is the only basis that you could go upon. You must take some standard to start from.

4906. If the standard varies so materially in different counties and different districts of the same county, how can it be a correct basis?

I imagine the valuation was made not with regard to the peaceable state or otherwise of the county, but upon what the land was supposed to be capable of producing.

4907. That is quite so, but then the standard has been altered by the state of unrest which has been developed in certain districts?

The only answer I can give to your question is that I do not propose that any proprietor should be compelled to sell if he does not like to do so; and that if he thinks that the sum that the court would be authorised to pay him, based in some way upon Griffith's valuation, is not sufficient, he is not bound to apply to the court to purchase; but I do not think that in dealing with the state in that way you can take anything else into consideration than what the land will practically produce.

4908. With regard to the decisions given by the Assistant Commissioners, have you formed any opinion as to their effect upon the landlords' interests in Ireland?

I think the landlords' interests are very much damaged by them. I assume that when my cases are heard I shall be treated as other persons have been treated, and that probably my tenants will receive some reduction. Of course I cannot say exactly how much, but one can see what is being done on neighbouring estates. Before the year 1877 I had hardly any arrear on my estate in Tyrone, which leads me to suppose that it was fairly let; and I may strengthen that opinion by saying that on the occasion of a tenant of mine wishing to sell his farm about that time with my consent, he put an advertisement in the paper in which he called his rent a nominal rent. I therefore think that my estate was fairly enough let, and my agent was of opinion that in some respects it was underlet, and although I did not think it was wise to attempt to raise the rents, yet I do think that it would not have been unreasonable if the good times up to 1877 had continued, that a certain addition to the rental should have been made, which would have increased the capitalized value of the property by about 10,000*l*. The result of this Act, doing away with competitive rents, is such that I am afraid that instead of getting any increase of value, I am likely to have the property deteriorated; and even in these 20 cases in which I have agreed with the tenants, although the reductions are not very considerable, yet even in those few cases

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(20 cases out of some hundreds of cases of tenants on the estate) the deterioration of the property will amount almost exactly to about 1,000 *l*.

4909. Do you think that the administration of the Act will be likely to ruin a large number of landlords who have charges upon their properties?

Of course, if the charges, together with the outgoings, in any way approach the rental, it would do so. Perhaps without referring to other people you will allow me to refer to my own estate in Fermanagh. The only encumbrance, strictly speaking, upon it is the proportion of the jointure that is paid to my mother, but it is subject to some head rents, and there are the instalments of the church land mortgage to be paid; the result of which is that by the time I have paid my mother any rateable proportion of her jointure (which is chargeable, of course, over the whole of my estates), and my rates and taxes, I receive less than (I think) a one-fifth of the rental into my own pocket; consequently if I were reduced to the extent of 20 per cent., so long as my mother lived, I should receive no actual value out of, practically, an unencumbered estate; 25 per cent. would, of course, make me a still larger loser for the time. When the jointure dropped, or, if certain leases fell in, which are very much below the value of the property, there might be some rise. Before the Act passed I should have said that there would be a rise. Of course I cannot tell what view may be taken under what is called "Healy's Clause," of my rights and the tenants' rights respectively in those leased lands.

4910. Lord Brabourne.] Can you tell us what the average reductions in Tyrone have been?

I believe the judicial rents at first hovered somewhat about Griffith's valuation or a little over Griffith's valuation. I hear now that the present Commissioners are making the reductions still heavier than they were, but it is difficult to state what the average reductions are, because the circumstances of various properties vary so much. For instance, as I said before, I had once a very much larger estate in Tyrone than I have now, and the persons who bought that portion of my estate which was sold, and which amounted to several thousand pounds a year, I believe, raised their rents very considerably, while my rents were only moderately raised, generally as leases fell in, and I should expect that some of the reductions on those lands were very heavy.

4911. Can you tell us whether, within your knowledge, rents have been materially reduced by the Commissioners which have been paid for many years previously?

As regards the neighbourhood of my own property, I cannot answer that question. I have some information with regard to property in the county Armagh, which one of my agents own; it is his own property, and on some holdings, heavy reductions have taken place.

4912. Have the rents there been paid for a number of years?

I believe so.

4913. You are not able to tell us whether there is a difference in reduction made in rents which come under the category of those you mentioned of properties lately purchased and rents that have been paid for a considerable time?

I can only give you the impression of persons in the country; I could not give it of my own knowledge. The general impression is that a landlord who raised his rents some years ago is fortunate now, and that he will not suffer as much as one who has not raised his rents.

4914. At all events, the effect of the decisions has not been such as to tranquillise the landlord's mind, has it?

No, and at the same time from what I see in the papers, I do not think the tenants are on the other hand satisfied that they have got enough.

4915. Duke of Marlborough.] Do you not see from your knowledge of Ireland generally, any objection to the State becoming a large landed proprietor and landlord in the country?

No, I have considered that matter, and I confess I do not see any great objection

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objection to it. I know that objections are made with a certain amount of plausibility, but I do not think that they have any great force. I think the State is in a very different position to an ordinary proprietor in the case of owning land.

4916. There is a good deal of irritation existing, is there not, whenever there is a large landed absentee proprietor?

It is said so in the newspapers. I am practically, as regards my largest property, an absentee proprietor. I very seldom visit the property, and I have always been on very good terms with the tenants.

4917. But you live in the country, do you not?

I live in a neighbouring county.

4918. Do you not think there would be a very great difference between a landlord who owns two properties in Ireland and lives on one of them, though he may not very often visit the other, and the landlord who would be practically never seen or known in Ireland, and who would take every sixpence of his money out of the country?

No, I do not think so. I think on some of the absentee estates things go on as well as on estates on which the landlord resides, particularly if the landlord happens to be an unpopular person. Then you must remember, under this proposition that I make, in any case the tenants would have the power by their mere act of converting these rents into terminable annuities; which, of course, in a certain number of years, 52 years or so, would absolutely cease.

4919. Earl of *Pembroke and Montgomery*.] I suppose that you think the tenants would not have the personal feeling for or against the State that they have for a landlord?

I do not think they would; I think the experience, such as it was, of the sales of the glebe lands shows no such feeling. I believe there was never the slightest difficulty in collecting those instalments without an agent, and if it had not been for the unfortunate state of agitation that has recently prevailed, I do not think there would have been any attempt to go back upon the bargains then made.

4920. Duke of *Marlborough*.] In that case the rents were paid to a fund known to be an Irish fund and applicable to Irish purposes; in the other case it is money that would be paid to the Consolidated Fund, and go out of the country altogether?

I do not think it makes really any difference; besides which, a considerable part of the Consolidated Fund is spent in Ireland.

4921. Marquess of *Salisbury*.] Have you had much difficulty in collecting your rents this last time?

Yes, on my Tyrone estate there was a good deal of difficulty. I do not think it arose so much from any one cause as from a variety of causes; we had, unfortunately, a contested election shortly before the harvest in Tyrone last year, and Mr. Parnell came down and held meetings over the country. There is no doubt that in Tyrone the people felt the effects of the bad harvest of 1879 considerably; added to which they are also, in my opinion, and in that of other people who are competent to speak, suffering from the effects of the Land Act of 1870, which inflated their credit unduly, and induced them to borrow money largely from money lenders and to go into debt to shopkeepers; they forgot that the valuable interest in their farms which gave them this credit, only arose when they wished to part with their farms and realise the value of them. Those two causes together made the collection of rents more difficult last year than it has been in my memory since I came of age, or since the famine time.

4922. In the end did they generally pay their rents?

During the present spring, with difficulty I have got about as much as I had this time last year; but there is a larger arrear on the four previous years still outstanding than I have had since I came of age in 1856.

4923. May I ask, without indiscretion, what sort of proportion to the whole income the arrear bears?

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When my agent passed his account up to March 1881, at Christmas last, There was the usual hanging gale which, owing to the nature of the crops in Tyrone, principally the flax crop, I cannot very well avoid; there was then something under half-a-year's rent in value in arrear, there having been at a similar period five years ago only about 2½ per cent. of the whole estate in arrear, or a little over 200 l.

4924. About 50 per cent. in value of the tenants had not paid up?

Not quite 50 per cent., but approaching 50 per cent.; the accumulated arrear of several years.

4925. Would you say that this was mainly on large farms, or on small?

All sorts of farms.

4926. You could not indicate any class of farmer amongst whom the difficulty of paying mostly prevailed?

I think the men depending most upon flax probably are those who would find the most difficulty in paying, because, unfortunately, in that part of the country tenants of late years have got to lean very largely upon flax. They grow flax too often on the same ground, and the value of flax has greatly decreased even within my own memory. A few years ago first class flax, at any rate, would fetch 7 s. 6 d. a stone; they tell me now that in Omagh market you cannot get more than about 4 s. 6 d. a stone for it; and I understand that a change has come over the flax trade. I am told that cotton goods are to a considerable extent ousting linen in the north of Ireland. I am also told, and that I learned from one of my own tenants whose son is engaged in the business, that a considerable quantity of flax, after being scutched in Belfast, instead of being worked up there entirely, as formerly, is sent to Belgium, there to undergo another process, having, of course, freight to pay, and that it is then sent back, with a second freight to pay, to be finished off in Belfast.

4927. The final process cannot be done in Ireland, you mean?

It cannot be done so cheaply or so well in Belfast. My tenant's son is engaged as an agent in Belgium in this business.

4928. You did not observe that the small tenants had any more difficulty in paying than the large ones?

I think they will nearly all pay if they can; they all grow flax, more or less. The smaller tenants who used to pay out of pigs, generally would pay twice a year, when the larger tenants would, if they could, only pay once a year. The pig trade suffered three or four years ago very much by American competition, but I believe that is over now as regards pigs at any rate, and as regards some other things besides, and that pigs are now selling very well again.

4929. I suppose that of the 50 per cent. who did pay, a good many must have paid with considerable effort?

Some of them possibly, and some of them probably, were in arrear before, and we took a portion; I think we even took as little as a half-year's rent from some people, rather than take proceedings. It is always better not to take proceedings if it can be avoided.

4930. Do you think that they pay by neglecting their other debts, or by borrowing from anybody who might be willing to lend to them?

I suspect that the shopkeepers have got pretty well as much as they are likely to get out of them now.

4931. You think that you came after the shopkeepers?

I think probably last year I did; I do not think formerly I used to. I think that possibly the shopkeepers may have been very hard hit. I have a tenant who is connected with a very good farm on my estate, and who is also a shopkeeper in Omagh; he is a most respectable man, and he has been on the verge of insolvency, though I believe he will pull through; I understand that he had a very large sum indeed (for a man of his class) out amongst the country people and amongst shopkeepers, some of which he will probably lose.

4932. Do you mean a large sum owing to the country shopkeepers?

No, owing to him by the country shopkeepers.

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4933. Are the bankers or owners of money, whatever their station may be, very much in that position that they have large sums out either among shopkeepers or tenants?

I should fancy that the banks have got their money back pretty much. There is very little credit now. There is a large sum, I believe, in the Omagh banks belonging to a limited class. There are a certain number of cattle dealers who buy cattle in Ireland and take them to England; I believe they have a great deal of money, and that they have had a very good business lately, and some of their larger customers have also done well lately. The price of cattle is at the present time very high, and it has been very high for some time.

4934. Those people lend their money out, or used to, do they not?

I cannot answer that question exactly. There was a great deal of money formerly lent out by usurers; whether there is so much out now or not I should think is doubtful; the credit of the country is very much gone.

4935. Have you heard what effect upon the payment of rents the announcement that a portion of the arrears will be paid out of public funds has had, or what portion of the 50 per cent. may be due to that, if any?

There has been hardly time enough for me to form an opinion upon that. My agent informs me that he thinks that if the public funds were not used in the nature of a gift, that the landlords in time would have got their rents except in the case of widows with young families, where they must naturally expect to forego them to a certain extent. I do not express any opinion upon the policy of what is going to be done; but my own opinion is that if anything is to be done it is no use trying loans again, because I do not think it was worth the while of either party to involve themselves in loans at eight per cent., as was proposed under the Bill of last year. I would certainly rather run the risk of losing the arrear.

4936. What do you think of the proposal to let the money out at one per cent., which I believe was announced by persons of some consideration?

I do not remember that proposal.

4937. In the course of the present year, you did not hear the proposal on the part of the representatives in the north of Ireland that the money should be lent at one per cent.?

I may have done so, but I do not carry it in my mind.

4938. Is it your impression that the 50 per cent. who have paid (it may be with some difficulty) will look with entire complacency upon their neighbours, who have not paid, escaping scot free by the help of the State?

No, I should think not.

4939. Do you not think that they will probably desire to share such a benefit themselves?

Yes; I have observed that if you do anything for one tenant, every other tenant in the district expects you to do the same for him as a rule, except it is a case of a poor widow, who everybody knows is an exception to the rule.

4940. Going upon that general principle, those who have made an effort to pay honestly will think it rather hard that they have come off worst, because those who have not made an effort to pay honestly have succeeded in evading their debts, will they not?

It will be so, if the impression gets abroad that persons have succeeded in wilfully evading debts that they are really able to pay.

4941. Lord *Brabourne*.] There will be a great advantage given, will there not, by the State to those who have not paid over those who have paid?

I think there will be. As I understand what has been announced, the relief is only to be granted to those who are unable to pay. It will be extremely difficult for the Land Commissioners to determine whether a man can pay, or whether he is wilfully concealing the state of his affairs.

4942. Marquess of *Salisbury*.] I suppose what you mean by a man being able to pay is, able to pay without selling the value of his holding?

Yes.

4943. But

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4943. But under any other law of insolvency that would clearly form part of his assets?

Yes.

4944. Lord Tyrone.] I understood you to say in answer to the noble Lord, that it was all classes of tenants who had suffered in your district in the north?

In Tyrone; I said it was the classes of tenants who lean upon flax; my tenants in Fermanagh do not rely upon flax. They rely mainly upon hutter and cattle, and they are in very good circumstances, and have paid very well.

4945. My question referred more to the size of the holdings than to the occupation of the tenant. I understood you to say that men on holdings of all sizes had suffered much in the same degree?

Yes; I think that in some cases men with large holdings are in a worse position than the men with the small holdings, for a man who has to pay me, for instance, 125 *l* for a year's rent (and I have one tenant at any rate who pays that), would naturally have more difficulty to make up that sum than a man who only had to pay 10 *l*; possibly two or three pigs would pay the rent in the one case.

4946. Lord Brabourne.] Are most of the holdings more than 30 *l* or less than 30 *l*?

Without referring to my rental I could not tell you that. I can say generally that I have a good many holdings which exceed 30 *l*, and I have a great many which do not.

4947. Lord Tyrone.] You said just now in answer to a question, that you thought those that had paid with great difficulty would probably think themselves badly treated; do you not think that those who pay over 30 *l*, and who are in arrear, will think themselves equally badly treated?

Yes, I should think so; I do not see why you should draw the line at 30 *l*.

4948. Do you consider that the men holding farms over 30 *l* rental have had just as great hardships to put up with in respect to making two ends meet, as the men under 30 *l*?

I should think quite so, and in some cases perhaps more.

4949. Therefore, I suppose that you would say, that if any boon is to be given of this sort the line should not be drawn at 30 *l*?

Yes, I am rather inclined to agree with you in that matter.

4950. Do you not think that if this measure is intended for the purpose of settling down the affairs of Ireland, that there will be an immense margin of the strongest men in the country, that is to say, the largest class of tenants, who will be left out in the cold, and will be likely to go on with an agitation?

I think there will be a large number of persons who will not get the benefit of this Bill if it passes. I cannot tell you what they will do. I am not connected with a district where there has been any very serious agitation.

4951. May I take it that your impression would be, that taking into consideration the number of tenants who have paid their rent with great difficulty, and the number of tenants who are in arrear over 30 *l*, that there is likely to be a nucleus for a fresh agitation?

Yes, I should think there would be.

4952. Earl of Pembroke and Montgomery.] Have you had any of the "no rent" circulars issued on your estate?

I cannot speak positively as to whether any have been issued on my estate; I believe there has been "no rent" circulars issued by the Ladies' Land League in the neighbourhood lately.

4953. Chairman.] How lately?

Very lately; within the last three months, from what I hear, but I could not learn from my agent that there had been any (and, if any, very few) actually on my own estate, but I think I may say that owing to the terms on which I live with my tenants, and from the fact of there being a very large number of

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different religions on the estate, the Land League has not such a hold, I believe, as it would have on estates which are differently circumstanced.

4954. *Earl Stanshope.*] Having had the advantage of three sets of Sub-Commissioners acting in your neighbourhood, have you found out whether any of them acted upon any principles about reduction?

We have never been able to discover what the principles are exactly.

4955. *Marquess of Salisbury.*] The boldest theorist has not advanced any kind of formula, has he?

I am told that it is impossible for the Sub-Commissioners to announce what the principles are, and I have not heard anybody who can speak with any certainty as to what principles they go upon. They seem almost always to reduce; in some instances there have been no reductions, and in a few instances there may have been a slight increase, but those cases are very few.

4956. Have you any idea of the principles upon which the counsel argue, which is the next door to it?

I could not put it into definite language.

4957. *Earl of Pembroke and Montgomery.*] Have you noticed any general correspondence between the value of the tenant's improvements and the reductions in rent that have been made by the Sub-Commissioners upon the rental?

That is rather a difficult question to answer, I think.

4958. *Chairman.*] Does the custom of Ulster prevail on your property?

Yes, generally speaking. In Fermanagh I have some town parks, and I have a good deal of land in my own hands, but generally speaking the Ulster custom prevails, and the improvements have been usually done by the tenants. In old leases, leases of the last century, I consider that there was a consideration given to the tenants in the shape of a lower rent, because I find clauses in the leases which provided that if certain things which were in those days considered improvements, such as making fences and building houses, were not done, the rent was to be raised. In my own time I used formerly, before the Act of 1870, generally when a man applied, to make him an allowance of a half year's rent; it was not always exactly that, but it generally amounted to that.

4959. *Lord Brasenorne.*] In the case you mention, if the rent is reduced by the Sub-Commissioners, the practical effect will be that a consideration will have been given twice over, will it not?

If the Sub-Commissioners do not take any allowance into consideration that is so. I am not prepared to say that if I can prove the allowance (which I can do in the limited number of instances in which I made it) that the Court will refuse to take it into consideration. I have had no experience of that.

4960. If a consideration has been given in the rent, and the rent has been afterwards reduced by reason of the value of the improvement, clearly the consideration will have been given twice, will it not?

Yes, I think so. I think if land was let upon such terms as implied that the tenant was to make certain improvements (as was certainly the intention in my old leases), and the rent was at a lower rate for a very long period (the old leases being for three lives, I believe, in Tyrone); if in spite of that I were to get no benefit from the increased value of the land, owing to the different circumstances of these times, the consideration would have been given to the tenant twice over. We hear about the improvements of tenants, and I admit that in modern times tenants have made improvements, but I always maintain very strongly that all the improvements, or almost all the improvements, of old times are exhausted, whether they were made by the tenant or by the landlord.

4961. Has it been the custom in Ireland in recent times to let land upon the condition of certain improvements being made?

In my own experience I think not.

4962. I think you have already said that you do not trace any connection between the reductions made and the value of the tenants' improvements?

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So far as any information I have gained from reading the newspapers, and what I have heard goes, I do not. I have seen it sometimes stated that the Court fixed the rent at so much, having taken into consideration that certain improvements were made, stating it in more or less general terms, but beyond that I cannot say that I trace any connection between the two. There are one or two other points I would like to mention. One point is with regard to the procedure in the way of obtaining loans from the Commissioners in connection with the purchase clauses.

4963. Under the Act of last year:

Yes, in connection with the purchase clauses for some reason that I am not aware of, the Court requires that the application for the loan to the tenant should be made by the landlord, and although I do not know what their reason for making that rule is, it seems to me that it is reversing the natural order of things, and that the application should be made by the tenant; that the landlord should afterwards be called upon to do what the tenant is now called upon to do, viz., to sign the paper they issue, which constitutes an agreement, and that the fee which they require to be paid for a personal inspection of the lands by one of their inspectors should be paid by the tenant and not by the landlord, who is not getting the loan. That is one point. Another point is with regard to the powers of sale which are not possessed by the Commissioners of Education, for Endowed Schools, of whom I am one, and which are possessed by any other landlord. The Commissioners of Education hold estates in various parts of Ireland, and the Board have come to the conclusion that it would be very desirable if they could do so, to sell a portion of their estates, and invest in other securities: but I believe that before I joined the Board they considered that they did not come under the Bright Clauses of the Act of 1870, and they have no power to sell in the Landed Estates Court; and we have urged upon the Lord Lieutenant in our report, which is now in the course of being signed, that we ought to have the same power as an absolute owner (subject, however, to certain restrictions), as we do not believe that our tenants would be willing to purchase from us. Then with regard to the local taxes, I observe that it was stated by Mr. O'Brien, that he considered in the case of a rent of 50 *l.*, a sum of 5 *l.* ought to be added as the extra amount the tenant would have to pay for local taxes if he were the purchaser, that amount being now payable by the landlord. I suppose he based that upon some particular districts of the country, but certainly as regards the district of the country with which I am connected, that is entirely an erroneous statement. I do not think the proportion that I have to pay in Tyrone, of local taxes, would amount probably to more than 2 *l.*, if as much on a 50 *l.* rent, because in almost every instance the tenant pays the whole of the county cess, and all that I have to pay in the way of local taxes as distinct from income tax, is half the poor rate, and the poor rate is not very high there. Then with regard to the quit rents, it has been stated by Mr. O'Brien that the Commissioners of Woods charge 28 years' purchase upon small quit rents when they are redeemed, but that they charge less upon large quit rents. I happen recently, within the last two years, to have redeemed my quit rents, and find, that the Commissioners of Woods charge 28 years' purchase upon my quit rent, which appears to be a very considerable sum; but it answered my purpose to redeem them, and I did so. Then some evidence was given with regard to the question of head rents, which to me is a very important one. I think it has been stated that it would not do (and I quite agree with that evidence) in the case of tenants purchasing, that head rents should be divided. Now I own head rents over six townlands in Tyrone, some of which have a very large number of tenants under middlemen, and the value of my proportion of head rent (which is perfectly secured now, and regularly paid) would be very much deteriorated if instead of having to look to one person I had to look to 50 or 60 persons to pay, say, 10 *l.* Irish a year; and I would suggest that in the case of sales to tenants, the landlord should be obliged to compound for his head rent upon certain terms, which should vary according to the proportion the head rent bears to the value of the land in the hands of the middleman. For instance, I think, in a case where the head rent

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Earl of BELMORE.

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is only 10 *l.* a year, and the rental is 500 *l.* a year, it would be very fair that the landlord should get 25 years' purchase; but where the headrent (as is the case with what was another part of my property, but which I sold, myself, a few years ago) very nearly equals the middleman's interest, I think a lower value should be paid to the landlord. I may say that in the case I referred to, I sold a head rent of 116 *l.* a year where the middleman's interest was, I think, only 126 *l.* or thereabouts, for 20½ years' purchase in the Landed Estates Court by public auction.

4964. *Chairman.*] You spoke of the Commissioners of Education not having power to sell; but is that so?

I think so.

4965. What is the meaning of this clause, "Any body corporate, public company, trustees for charities, commissioners, or trustees for collegiate, or other public purposes, or any person having a limited interest in an estate, or any right or interest therein, may sell the same to the Land Commission"?

It certainly is the opinion of the Board (and, as you are probably aware, we have some lawyers of great experience upon the Board) that we have no power to sell, except the tenants are willing to purchase. We have the late Lord Chancellor upon the Board, and also Mr. Piggott, who is a very experienced lawyer, and Master of the Exchequer in Ireland; and in the report that we are now sending in, we are asking the Government to give us those powers.

MR. RICHARD ADAMS is called in; and Examined, as follows:

4966. You are, I believe, a member of the Irish Bar?

I am.

4967. Have you paid much attention to the working of the Land Act of 1881?

I have paid some attention to it in my professional business.

4968. In what capacity have you had experience of it?

I have been before several Sub-Commissions, one at Naas, Athy, and Balbriggan, which was presided over by Mr. Foley. Thomastown was another; that was presided over by Mr. Riordan; and Kilmainham another, which was presided over by Mr. Kane; and I have been also several times before the Chief Commissioners. I may say that all the Sub-Commissions which I attended were in the province of Leinster, and in the neighbourhood of Dublin, or comparatively so, that is to say, within a range of 70 or 80 miles of Dublin.

4969. Before those Sub-Commissions did you generally appear for landlords, or tenants, or both?

I appeared for tenants in every case but one. In one case I appeared for the landlord, and the case was settled before it was called on.

4970. Have you had any experience of cases which have been settled by arrangement out of Court?

Curiously enough I have had only the experience of the one case which I have already mentioned, or rather I should say three cases of one landlord, which were to have come before the Balbriggan Sub-Commission, and those cases were settled out of Court. The solicitor on the other side and my solicitor and I had a conference, and we fixed upon what we thought would be a fair rent, and the landlord and the tenant assented to it.

4971. According to the experience you have had of the Sub-Commissions you refer to, are you able to express, in any form which could be stated in words, the principle upon which the Sub-Commissions appear to have proceeded in finding out what was the judicial rent?

Well, I think that is a question that it would be almost impossible to answer. They do not state their reasons in giving their judgments, and unless you could see into the mind of man, you could not say what reasons weighed with them. But I must say, that in very many cases they appeared to decide according to the evidence, to this extent, that they leaned very much in the direction of the evidence

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Mr. ADAMS.

[Continued.]

evidence given by the landlord's valuers; that is to say, the witnesses called as to value by the landlord.

4972. In those cases to which you have referred, what was the result; was the judicial rent, as compared with the former rent, the same or lower?

It was some 20 per cent. lower.

4973. And that was in accordance, you say, with the evidence of the landlord's valuers?

Yes.

4974. How many cases do you refer to?

I refer to about three cases; of course when a man has a number of cases, some of them involving very small details, many of those details will entirely escape his memory, and some of the details of many of the cases have entirely escaped my memory; but there were two or three striking cases in which I was engaged before the Sub-Commissioners where the rent which was fixed was very near the rent sworn to by the landlord's valuers.

4975. *Marquess of Salisbury.*] Were these the only cases in which you were before a Sub-Commission?

No, I was in a great number of cases at Thomastown; they were cases on the estate of one landlord, Mr. O'Shea, and in those cases Mr. O'Shea called no evidence at all. Some mischief happened in the preparation of the cases, and the Sub-Commissioners went out and valued the farms themselves, and reduced the rents, I think, something like 15 or 20 per cent. As to the three cases, there was a case tried before the Nass Sub-Commission, in which a Mr. Hanlon was the tenant, and Lord Cloncurry was the landlord; the farm was let at 90 £ a year, and the landlord's valuer fixed the rent at 72 £ (or rather one of the landlord's valuers, I should say, because another witness fixed it somewhat higher), and the judicial rent was fixed at 68 £. Another case was a case tried at Kilmainham within the last fortnight. Mr. Malone was tenant, and the assignees of Sir Charles Durnville were the landlords; the land was let at 320 £ a year, and the judicial rent was fixed at 280 £, being a reduction of about 12 per cent. In that case Mr. Fitzgerald, one of the most experienced valuers in Ireland, was examined for the landlord, and he is a gentleman who is generally examined on the landlord's side, the professional men having drifted from accident, or other circumstances, to one side or other. Mr. Fitzgerald said that he had valued the farm three years ago, and that it was then worth 320 £, which was the actual rent that was being paid at the time of the trial, but he said that since then land in the neighbourhood of Dublin had fallen in value about 20 per cent. per annum.

4976. Do you mean the yearly value?

The yearly value.

4977. *Chairman.*] As I understand you, you mean that the value of land generally had fallen in Dublin?

That is so; Mr. Fitzgerald swore that in three years it had fallen in value about 20 per cent.; but it is right to add this: he said that it was through agitation. I appeared for the tenant, and I put to him this question: "Do you mean to say that if you were to let the land to a solvent tenant in the neighbourhood of Dublin now you would fix the rent 20 per cent. under the rent that you fixed three years ago," and he said, "I would." In that case the Sub-Commissioners only reduced the rent 12 per cent. per annum.

4978. *Lord Brabourne.*] Were there tenants' improvements in those cases?

No; curiously enough, in neither of those cases did the question of tenants' improvements come in at all. In one case, the case of Hanlon, the letting by Lord Cloncurry was very recent, and there had been no time for improvements; and in the other case the tenant had purchased the interest of the lessee, who was bound by the lessor to expend a large sum in drainage and other improvements, and therefore the improvements all belonged to the landlord.

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4979. *Marquess*

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MR. ADAMS.

[Continued.]

4979. Marquess of Salisbury.] Was the whole of that 20 per cent. reduced value, according to Mr. Fitzgerald's evidence, due to agitation?

That is what he stated. As well as I remember, the words were, "land has fallen in value in the neighbourhood of Dublin 20 per cent." Then he was asked by one of the Sub-Commissioners, "What do you attribute that to?" and he said "To agitation."

4980. Lord Brabourne.] But the Sub-Commissioners took the effects of agitation at only 14 per cent?

Yes; it is right to say that the agitation in the neighbourhood of this farm, which is some five miles from Dublin, has been of a very mild description.

4981. Marquess of Salisbury.] Is it in the neighbourhood of Chapel Izod?

No, it is not in the neighbourhood of Chapel Izod. It is about two miles beyond Glasnevin Model Farm.

4982. Chairman.] According to your experience, is land letting now, or has it been letting during the last three years, at 20 per cent. below the former value there?

My experience is really confined entirely to the cases that I have been engaged in.

4983. Were you going to mention another case?

Yes, there was a case at Thomastown; Barry, tenant, Bushe (minors), landlord. In that case unfortunately the figures have passed from my memory, and I have not been able to find a newspaper report by which I could have refreshed my memory on the subject. The land was let for 200 l. a year, and I know that the fair rent was fixed at more than the sum named by the landlord's valuer, but off the fair rent fixed by the Sub-Commissioners there was a sum of 15 l. or 20 l. a year taken for the tenant's improvements. I cannot, of course, bind myself to the figures; but, supposing that the rent was 200 l. a year, as I believe it was, the landlord's valuer said it was worth 170 l., and the Sub-Commissioners said we will fix the fair letting value at 180 l., taking 20 l. a year off for the tenant's improvements, which the landlord's valuers never take into consideration; they value the lands as they find them.

4984. Lord Brabourne.] How do you know that they do not take into consideration the improvements?

I myself have had many cases, and I have invariably asked the question; and what they say is, We fix the fair value of the land as between man and man.

4985. They own that, do they?

That is what they do in Leinster. It is different in other provinces.

4986. Lord Tyrone.] We have evidence before us to the effect that no reasons are given for the fixing of the amount of a fair rent?

I am speaking of the witnesses, the valuers on each side, and not of the Sub-Commissioners.

4987. Did you not mention that the Sub-Commissioners took off 20 l. in the case you referred to?

Before the decision of the Court of Appeal in *Adams v. Dunseath*, there were some very nice questions of law arising in these cases; as may be supposed, and in that particular case, Mr. Reardon delivered a most elaborate judgment, in which he said, "We fix the fair rent at so-and-so, if the landlord is to get the benefit of the improvements; if the tenant is to get it, then we fix the fair rent at so-and-so." Then, he said, "Either party can appeal."

4988. Chairman.] Was that before the appeal in *Adams v. Dunseath*?

It was.

4989. Was that a decision to which the case of *Adams v. Dunseath* would have applied?

That is still a moot point. It is to be argued before the Land Commission at Waterford next week.

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Mr. ADAMS.

[Continued.]

4990. Are the cases you have referred to under appeal or not?

The case of *Hanlon v. Lord Cloncurry* is under appeal, but for this reason only, the Sub-Commission fixed the value of the tenant-right in that case at 30*l.* The result of that would be, that if the tenant proposed to sell his interest, the landlord would be entitled to buy that interest for 30*l.*, and the tenant has appealed against that part of the decision. It is right to say, I think, and it is only fair to the Sub-Commission to say it, that they afterwards stated that they did not think that they adopted an accurate estimate in fixing the value of the tenant-right in that case, and they afterwards fixed the tenant-right much higher; in fact, 10 times higher than that.

4991. *Marquess of Salisbury.*] On what occasion did they reverse their decision in that informal manner?

They did not reverse it, but they stated that opinion in my hearing at a subsequent sitting of the Sub-Commission. They said that in this case of *Hanlon v. Lord Cloncurry*, the point as to tenant-right had not been argued by counsel but allowed to go by the board, and it was very probable that there were considerations which should have caused them to fix the tenant-right at a higher sum than they did. In subsequent cases, they gave as much as eight and ten years on the rental, whereas in that case they gave less than half a year's rental as the value of the tenant-right; and that case is under appeal for that reason. Barry's case at Thomastown, as I have stated, is also under appeal.

4992. By the landlord or tenant?

By both sides.

4993. Have you been able to make any estimate of what the cost of litigation in these cases is, generally?

I have not; but I think it is very hard to estimate that, for this reason, that waste of time is a very formidable element. At Thomastown the Sub-Commission got through only 20 or 25 cases out of the 70 or 80 cases in their list; all the tenants were there for three or four days and all their witnesses. It was a very expensive thing to the tenants, and also, of course, to the landlords.

4994. Has it occurred to you that any other course of ascertaining a fair rent would be preferable to this investigation before the Sub-Commissions?

Of course if landlord and tenant are willing to refer the matter to a valuer, it might be done in that way; that is, of course, an admirable system, and it should be facilitated in every way, but I am not prepared to say that anything else has occurred to me as a better way than the present one.

4995. Do you think it likely that landlords and tenants would be disposed to refer the question to a valuer?

I think, up to the present time, it is very hard to say, or indeed, until we see what the result will be of the long waiting for hearing on both sides. That will begin to tell after a time, I think, but I consider that the long delay, and the block in the court, is most disastrous for the country.

4996. In cases in which you have had experience did the question of arrear enter into the question at all, or were they cases where there was no arrear?

They were cases where there was no arrear, or at all events, where the arrear was not mentioned to the Court. There may have been an arrear of half a year or something of that kind, but that, of course, does not prevent the Court from adjudicating.

4997. Have you in your own experience gained any information upon the subject of arrears?

Not any, except what any man might have gained in reading the papers. I am sure the Arrears Bill will be a great boon if passed.

4998. You have no personal experience of holdings where there are arrears?

No, not of holdings where there are large arrears. They are mostly in the west, and I have not practised in the west.

4999. *Lord Tyrone.*] Do you not consider that there is a large quantity of arrear at the present time all over Ireland?

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Mr. ADAMS.

[Continued.]

I do certainly, but I am speaking of what I have special knowledge of, the cases I was actually engaged in. Of course no man can doubt that there is a large quantity of arrear all over the country.

5000. *Chairman.*] From what you have seen of the Courts, do you consider the tribunal one which could effectually undertake the inquiry as to whether the tenant is able to pay his arrears or not?

That is a question that I am not prepared to answer.

5001. *Lord Tyrone.*] You mentioned just now that the landlords' valuers had reduced the rent in a great many cases?

Certainly.

5002. Are you aware what basis the landlords' valuers have to go upon now that there is no competition value before them?

The basis that was stated by Mr. Fitzgerald was what he himself would fix the rent at if sent down by the landlord to fix a fair rent for a solvent tenant, and, I suppose, that in fixing that he has regard to a number of circumstances; the price of produce, the increased price of labour, and, perhaps, the better habits of living among the people.

5003. Did he give you to understand whether he was valuing upon the basis of rent since the passing of the Act, or upon the original basis of rent before the passing of the Act?

What he himself said was that the reduction had been caused by agitation, so that, I suppose, he had had the circumstances before his mind.

5004. Do you think he may have had the judicial decisions in his mind as a basis of the valuation?

From the statement he made, I think not.

5005. You mentioned that the Sub-Commissioners had on one occasion given the reasons for their decision?

Yes.

5006. Did they on any other occasion give reasons in cases that you were concerned in?

I may tell you that I have always declined, from private professional reasons of my own, to accept a brief to follow a Sub-Commission round its circuit. In the cases in which I have been engaged I went down and argued them as best I could, and then went away again; and, I think, except in one case, I was never present at the time the decision was given. Counsel has nothing to do with the decisions, and I may say that unless I saw them reported in the paper, I never knew what they were.

5007. In any case that you were yourself concerned in you would hear the decision, would you not?

No; the Commission sits, say on Monday, and hears the evidence; then visits the farm on the Thursday or Friday following, and never delivers the decision until the end of the sitting, and very frequently not until they commence their sitting in the next town, and unless Counsel, as some gentlemen do, follow the Commission round, they will not be present when the decisions are given.

5008. Therefore you cannot answer that question?

I cannot. The reason why I know of the case of Barry, tenant, and Bush (minors), landlord, is this; the solicitor sent me up the country paper in which the decision of the Sub-Commission was reported at great length. The legal Commissioner, Mr. Reardon, delivered a most elaborate judgment, extending to a couple of columns of a large newspaper.

5009. From your knowledge of these courts, do you think it would be an advantage that the Sub-Commissioners should state their reasons?

I do not.

5010. May I ask you why?

It is confessed on all hands, of course, that the proceedings before the Sub-Commissioners

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[Continued.]

Commissioners should, in the interest of the country, and in the interest of litigants, be as rapid as possible; and I think one objection is, that it would cause great delay if the Sub-Commissioners delivered their reasons. For this reason, amongst others, I know that the question of the value of land is always a complex question, and although the three Sub-Commissioners may arrive at the same conclusion, they may arrive at it by different methods. They meet together and say, "We will fix 100 L. a year as a fair rent," and they may have arrived at that result by quite different roads. If they were required to state their general reasons for their decision, then, having regard to the fact that they are expected to do some 40 to 50 cases a week, there would be loss of time, and if they delivered a divergent judgment, of course there would be the risk of an appeal in every case.

5011. Do you consider that there is a great block in the Court at the present time?

Certainly; 70,000 cases is a great block.

5012. Do you consider that there is any probability that that block will be soon reduced?

I do not; of course, "soon" is a relative term.

5013. Do you think the block will be reduced within any reasonable time?

The only information I have as to the present rate of progress in the Courts is the information that we all have, viz., that which was conveyed by Mr. Gladstone in the House of Commons the other night, when he said that they were going at the rate of 900 cases a week.

5014. *Chairman.*] You speak about speed, which could not be kept up, perhaps, if the Sub-Commissioners were to give their reasons; do you consider that expedition is of more importance than justice?

No, of course; I do not consider that expedition is of more importance than justice, but I consider that with an abnormal tribunal of this kind, ordinary legal analogies must, at times, be disregarded. It is, in its processes and the amount of work it has to get through, to some extent a revolutionary tribunal for the purpose of carrying out a valuation of rent all over the country peaceably and according to the form of law.

5015. What do you mean when you say that it is a revolutionary tribunal under the form of law?

I mean that the valuation of rents all over the country is an enormous and gigantic process, and that you cannot follow the nice legal processes and analogies which are applicable to ordinary litigation, where the number of cases is small, and where there is (at least in Ireland) plenty of time to try them.

5016. Is not the object of giving reasons this, that the litigant parties should hear the reasons why a decision is given against one side or against the other, and more especially where there is an appeal, and that those reasons should be in existence in order that they may consider whether they should or should not appeal against them?

In ordinary litigation very often the litigants do not know the reasons for which the decision is given against them; for instance, a man brings an action for assault against another, and the jury say, "We find 100 L. damages;" they do not express any reason why they give the damages.

5017. You know that against a finding of fact there is no appeal, and that is the reason why juries have only to give a verdict, and not to give reasons for it?

Of course, if it is a perverse verdict, it can be set aside.

5018. Where it is a question of a different kind, the Court always gives the reason?

I must say that I think the jury analogy applies more to the Sub-Commissioners than the analogy of the judges.

5019. Then if your view is right, there ought to be no appeal?

No, I think not; I do not say that.

5020. I mean, if the analogy of a jury is right, and that it is simply a question

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question

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MR. ADAMS.

[Continued.]

question of fact whether a particular thing did or did not occur, then the finding of fact by the first tribunal should be conclusive?

No; because, as I say again, I think in so abnormal a system as this (that is an experiment, the like of which was never tried before in any country), it would be possible to push legal analogies too far. I think that convenience and justice are best met by the rapid decision of the cases, unless the decisions appear to be grossly unjust in mass, which, I think, has not been pretended by anyone.

5021. To take legal analogies we get rid of the analogy of the jury; then comes the question, apart from that analogy, is it or is it not desirable that the parties should know the ground on which the decision was given against them, or is it not?

I consider that as far as the decisions of the Sub-Commissioners are concerned, treating the matter as a practical question, the balance of desirability and expediency is in favour of their not stating their reasons.

5022. Is that in order that the speed may be maintained?

Partly for that reason.

5023. Is there any other reason?

Partly for that reason, and partly for the reason that it would certainly provoke appeals; and I think that appeals are not to be provoked unless either party is dissatisfied with the decision in itself. Suppose, for example, the Court says, "We fix the fair rent of Blackacre at 100*l.* a year;" but suppose the Court went into the various reasons distinguishing between what was allowed for fair rent and what was allowed for improvements, and so on, one of the litigants, though satisfied with the decision *ex bloc*, might say, "The sum given for improvements is monstrous, and I will try and hold the fair rent and upset the sum given for improvements," and appeal against the decision for that reason.

5024. Do you suppose that anyone satisfied with the decision, would appeal because the reasons might be cavilled at?

I think persons submit to decisions without being entirely satisfied with them, and I think the balance might be turned one way or the other by reading reasons with which he would or would not agree.

5025. Is not an appeal more likely to be provoked by the fact that the decision is given without his being informed of the reason why it is given against him?

I do not think so.

5026. If you had a decision which you thought an unjust one, and you were not informed of the reasons why it had been given, do you think you would not be more likely to appeal if an appeal were open to you?

Of course I can see that there are many arguments that may be used against my opinion upon the subject, but balancing them all I think it better that the reasons should not be given.

5027. The only considerations you have given us are those of speed and the possibility of preventing appeals?

Yes, and the danger of varying or contradictory decisions being given by the Sub-Commissioners. If, as I say, the same result is arrived at by different routes, then either one (or more) of the Sub-Commissioners must assent to a statement of reasons that he does not believe, or he must deliver a judgment differing from his colleagues; and nothing, I think, would provoke an appeal more than that.

5028. I understand you to say there is a third consideration for not delivering the reasons, which is, that it might appear that they differed; is that it?

Certainly; I think, having regard to all the circumstances, that that would be most undesirable.

5029. Then do you think it a better thing that they should differ in opinion, and that that should be concealed from the public?

Certainly I think so.

5030. Do

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[Continued.]

5030. Do you think that that is a better thing?

I think it is better; it happens in other tribunals that people differ, and that the judgment appears to be a unanimous judgment before the public.

5031. What other tribunal?

I have already mentioned the case of juries.

5032. We put that aside as not relevant. Is there any other tribunal?

Of course I know very little about it myself, but I thought the Judicial Committee of the Privy Council was an instance in which, if the judges differed, the fact was not mentioned to the world.

5033. The reasons for the advice given to the Crown, for a particular reason, are not publicly announced, but that is considered to be an exception, and those are reasons which certainly do not apply to the land question in Ireland. There is no other case that I am aware of, is there?

I do not know of any other case.

5034. Duke of Marlborough.] What is your view of the reason why the value of the tenant's improvements should not be given; you say there might be a reason against giving reasons for the decision arrived at as regards the value of land or of the farm. The Commissioners are supposed to arrive without giving their reasons, at the value of the farm; then they arrive, without giving their reasons at the value of the tenant's improvements; why should not those two respective values be given without giving the reasons for arriving at them?

What I have already stated as to a difference of opinion amongst the Sub-Commissioners would apply to that. One Sub-Commissioner may say, I think the rent should be 100 £ a year, and that 10 £ should be allowed for tenant's improvements; another Sub-Commissioner will say, "I think 100 £ a year should be the rent, but that 20 £ or 30 £ a year should be allowed for tenant's improvements." Men will differ, of course.

5035. What I mean is, supposing them to arrive conjointly at the value of the farm, or that which they suppose to be the value of the farm, and they arrive conjointly at the value of the tenant's improvements, why should not those agreements having been come to by the Commissioners, be given publicly?

I consider that there is no middle course between the Commissioners delivering judgment fully in every case, and stating, "we arrive at a fair rent, so-and-so."

5036. The Commissioners arrive at the item of what the fair rent is to be and agree together upon that item; is it not to be supposed that they may agree upon the two elements of which that is composed, viz., the value of the farm and the value of the tenant's improvements, and deliver those separately instead of conjointly?

They may or may not agree; of course if they were to deliver a judgment going into their reasons in one case, they should deliver it in all, whether they agreed or not.

5037. Without going into their reasons, why should they not state, as a matter of fact, what they consider to be the value of the farm, and, as a matter of fact, what they consider to be the value of the tenant's improvements. Would there not be a manifest advantage in future proceedings and in the general authenticity of their decisions in those two items in the elements having been stated?

I must say I have not considered that. I merely consider the question whether or not they should deliver their judgment briefly, as I believe they do now, saying, "We fix the fair rent at so-and-so," or go into the reasons at full length.

5038. It would not take much more time to say what would be the value of the farm and the value of the tenant's improvements, would it?

It may take some time; it is utterly impossible to arrive at the value of a farm by any strictly scientific process. There must be always something of the rough-and-ready in the way in which you do it.

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H 4

5039. That

19th May 1882.]

MR. ADAMS.

[Continued.]

5039. That may be so ; but is it not equally easy, having arrived at the value of a farm, also to assess the value of the tenant's improvements, and to declare those two separate values ?

I do not think any advantages would arise from it.

5040. Lord *Brabourne*.] Is it not quite a distinct thing, the rent of the land and the value of certain buildings and improvements upon it ?

Of course it is.

5041. If they both belonged to one person it would not much signify, but as the law has now settled that the one belongs to the landlord and the other to the tenant, is it not desirable, as well as possible, to state the relative values when you are going to determine the sum which is based upon those values taken together ?

I think not. The conclusion I have come to on the subject is this : that the first thing to be attained is speed, as far as is consistent with justice ; and injustice cannot be done, because any man who is dissatisfied with the decision given against him has an appeal.

5042. *Chairman*.] Suppose this to happen, the object is to fix a fair rent, which means, I suppose, a just and proper rent ; the three Sub-Commissioners, or a majority of them, are supposed to agree upon a fair rent ; the three meet in a room to consider the question ; and the first one, Mr. A. says " Well, my opinion is that this farm is worth 100 *l.* a year, but the tenant's improvements in my opinion are worth 30 *l.* a year ; therefore I think that 70 *l.* a year should be the fair rent." Mr. B. says " No ; I do not at all agree with that ; I think the farm is worth only 80 *l.* a year, and I do not think the tenant's improvements are worth 30 *l.* a year at all ; I think they are only worth 10 *l.* ; therefore I have arrived at the conclusion, in quite a different way, that 70 *l.* is the rent that should be paid." Mr. C. says " No, I differ from you all ; I think there are no tenant's improvements whatever ; I think the value of the farm at present is 70 *l.* a year, but I think it has been deteriorated in the hands of the tenant ; if it had not been deteriorated it would have been worth 100 *l.* a year, but it is now only worth 70 *l.*" The result is that the whole three have arrived at 70 *l.* ; is that a fair rent ?

They all believe, for various reasons, that it is a fair rent.

5043. Is that a fair rent ; is there any consensus of two minds on the subject of a fair rent there ?

I think if these men deliver their judgments, in the first place there will be a considerable amount of time lost in committing those judgments to writing.

5044. I am not speaking of time now ; could that bear public light as a fair rent ; could it bear to be stated to the public ?

If the three men, acting on their honour and responsibility, come forward and say that 70 *l.* is a fair rent.

5045. If they told the truth, and said what I have said, could it be mentioned to the public with safety ?

The last man would, in my opinion, have arrived at his conclusion by a wrong course.

5046. Quite so ; I quite agree with you ; then there would be an appeal ?

If he said 70 *l.* was the fair rent, he would say what he did not think ; if he sat by when the Chief Commissioner delivered the judgment and said, " We find that the rent of Black Acre is 70 *l.* a year, and that is the fair rent."

5047. It is quite impossible that any two of them could be right, is it not ? Quite impossible.

5048. Then is that a fair rent ?

I do not think the 70 *l.* would be a fair rent based on the considerations on which the last man arrived at the calculation of a fair rent.

5049. Lord *Brabourne*.] Does it not come to this, that it is impossible to have a public valuation of rents in Ireland, as the Prime Minister told us in 1870, without great injustice ?

That

18th May 1882.]

MR. ADAMS.

[Continued.]

That is an opinion upon the policy of the Act, not on its working. You have the Act there.

5050. It is illustrated by that, is it not. You spoke of the Act as being a revolutionary one just now?

Yes.

5051. Perhaps you are aware that you are only quoting the words of the Prime Minister, who told us in 1870 that such an Act as that now in force would be the means of producing a social revolution, therefore it is quite an accurate description, is it not?

I consider that such operations as those which the Commissioners are carrying on are deserving of the term "revolution," but a peaceful and beneficent revolution, and if revolution is coming in any country, I think it is better that it should be carried out by law than by violence.

5052. And that injustice should be perpetrated in carrying it out?

Certainly not. I cannot think that at all. I cannot see how injustice is perpetrated when there is a right of appeal. If the right of appeal were taken away it would be quite a different thing.

5053. Do you not think that if the reasons of the Sub-Commissioners were known, it would prevent a great many appeals?

No, I do not. I think it would greatly promote appeals.

5054. Earl Stanhope.] Do you conceive that the settlement of fair rents that is going on now will be final, or that all the cases now settled will come into court again at the end of 15 years?

I think 15 years is a very long period to look forward to in Ireland.

5055. It is not so long as the leases under the Act of 1870, viz., 31 years?

I really could not say what would happen at the end of 15 years.

5056. Let me ask you one other question about arrears. I want to know whether in your opinion the question of arrears prevents tenants coming into court?

I am positive that it does.

5057. There is nothing in the Act to prevent them coming into court if they have arrears?

Of course not, but if a man is in such a condition as that it is perfectly impossible for him to pay off his arrears, he thinks that it is no use to have his future fair rent fixed. If a man is bound to pay 20 *l.* a year, and is three or four years in arrears, that is 60 *l.* or 80 *l.* of debt, and if he is otherwise in poor circumstances, the fact of having his rent reduced and fixed at, say, 15 *l.* or 16 *l.* for the future, would not help him to pay the 60 *l.* or 80 *l.*

5058. Some of them might say, I have improved my land, and I set off those improvements against the rent that I owe my landlord, and probably the Commissioners would say, we consider the matter pretty equally balanced?

I do not know that they could do that. I think they have no power to do it; that could only be done by agreement between landlord and tenant, and the landlord and tenant could come to any agreement they desired at any time.

5059. Lord Brasenourne.] Do I take this to be your meaning, that you think it right that the people should have an appeal; you think it is a desirable thing that there should be an appeal, do you not?

Certainly.

5060. But you think that the obscurity which pervades the decisions of the Commissioners, owing to their not giving their reasons, is more likely to prevent appeals than the throwing of more light upon them, and therefore you approve of no more light being thrown upon their decisions?

Certainly, that expresses my opinion; of course, combined with the other strong reasons as to speed and expedition, which are most desirable.

(0.1.)

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5061. Earl

19th May 1882.]

Mr. ADAMS.

[Continued.]

5061. *Earl Stanhope.*] From the knowledge you have derived from your practice before the Court, do you think that the Sub-Commissioners have the means of ascertaining the competency of tenants to pay their arrears?

I have had no experience of that; that is a thing that cannot be answered until it is actually tested to see how it works.

5062. *Lord Tyrone.*] With regard to the block which I was alluding to just now, I understand you to say that there is a decided block in the Courts?

Of course; there are 70,000 cases; and even at the rate Mr. Gladstone mentioned of 900 a week, it would take a year and-a-half to clear them off, and more than that.

5063. Do you not consider that giving the Sub-Commissioners extra work under this new Bill would tend to increase that block?

Of course if you give them extra work it tends to increase the block.

5064. Do you not, from your knowledge of Ireland, consider that this block is one of the most serious features and one which renders the Land Bill unworkable?

I think the block is a tremendous misfortune for all parties. In some cases the landlords cannot get any rent pending the decision of cases in the Court; on the other hand, I know myself of one case in which the tenants on an estate filed originating notices, and have since been twice compelled to pay the old rent with costs; and that is calculated to create discontent, and renders it probable that the flame of agrarian war may light up again.

5065. Do you think it probable that arrangements will be made out of Court?

I think it is very hard to say at present or until we find how the delay begins to tell upon both sides.

5066. Would it be possible in any way to give both the landlord and the tenant some line to go upon, to enable them to come to some agreement out of Court?

I think there is a line that they can go upon. Undoubtedly the vast body of decisions are found to be playing at a certain line above and about Griffith's valuation.

5067. When you have holdings which vary in so many particulars as the noble Lord suggested to you just now, is it possible, unless the tenant and landlord know how the decisions have been arrived at, to come to any agreement out of Court?

I think it is perfectly possible, because I believe that the form the arrangements will finally take will be, that some person chosen by the landlord and tenant, or some umpire chosen by the valuers for landlord and tenant, will fix the rents, and that therefore any decisions of the Sub-Commissioners will be really of no assistance to them.

5068. You seemed rather to base your remarks just now upon Griffith's valuation?

Of course there is no doubt whatever that the line taken by many of the Sub-Commissioners bears a certain proportion throughout to Griffith's valuation.

5069. Then you think that many of the Sub-Commissioners base Griffith's valuation in their eye in fixing the rent?

It is not out of their eye, certainly.

5070. Then according to that there would not be a great deal of advantage in their visiting the farms, would there?

I think there would, especially as to improvements. It is absolutely necessary for them to visit the farms, for this reason, the tenant himself says, "I put up 200 perches of drains on the farm, and they are in grand working order" (I am not speaking of an imaginary case now, but a case I know of myself). The landlord says, "I never saw any drains on the farm at all," or he may say, as they sometimes do, "Yes, there were drains laid down ever so long ago, but they are perfectly useless;" and unless some man who knows the business

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Mr. ADAMS.

[Continued.]

business goes on the farm, and examines them for himself, how is he to say whether those drains are working or not.

5071. If they are to take into consideration this sort of item that you are mentioning, they cannot be working upon Griffith's valuation?

I do not say that they are working upon Griffith's valuation. I would be very sorry to say so. I think certain things weigh with the Sub-Commissioners, and it would be absurd to say that Griffith's valuation is not one of them.

5072. Then if they are to take these drains and that sort of thing, which we know they do, into consideration, how is a tenant on a farm (without drains on his land, and without any of those improvements, or with different classes of land, possibly), to come and arrange out of court with his landlord if he does not know the ground on which the decisions as to other farms have been given?

I think the general grounds are very well understood; they are the grounds to which the evidence points.

5073. With regard to what you said just now as to arrears, I understood you to say that tenants in arrear had no inducement to go into court?

By that I mean tenants hopelessly in arrear. If a man owes only a half year's rent, and is fairly solvent, he has every inducement to go into court.

5074. Have you ever come across cases in Ireland in which tenants have been, you may say hopelessly, in arrear, that is to say where there have been a large number of gales owing, but have for a certain number of years paid one year's rent within the year, and left the rest of the arrears standing?

Yes.

5075. You have come across cases of that kind?

Certainly.

5076. Numerous cases?

When I say I have come across them I have no agricultural experience myself except in my business as a barrister, but I know that there are such cases.

5077. In cases of that description do you think there is anything to prevent a tenant going into court?

Of course a tenant that brings his landlord into court does a hostile act, he litigates against him, and a man hopelessly in arrear is under the landlord's thumb.

5078. Putting it in another point of view, if a tenant is hopelessly in arrear, and he can come into court, and get his rent reduced, is he not in a much better position to sell his holding and pay off his arrears, and put a lump sum of money into his pocket?

No matter how hopelessly in arrear the tenant may be, if the rent is reduced it gives him a chance, but there is no doubt that it keeps many of them out of court; the first peril of the tenant is that he may be sued by the landlord for all his arrears.

5079. You think that what keeps him out is the fear of his landlord taking proceedings against him?

It is impossible for me to say, I can only give a conjecture as to what may weigh with those men, and that I suppose is one of the reasons.

5080. Duke of Marlborough.] Do you consider that if any mode or expedient were devised by which arrears could be cleared off, and this arrears question settled, that it would set free a large number of tenants whose cases would then come into court?

I think it would.

5081. And you think the cases would be large in number?

I think so; and I think also that there are some districts in the country from which no cases, so to speak, have come in up to this time, and that those cases ultimately will come in.

(O.I.)

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5082. Then

19th May 1882.]

MR. ADAMS.

[Continued.]

5082. Then in fact the state of things which now occasions a block in the court would be very largely increased, and intensified?

Certainly.

5083. And all the consequent disadvantages which you have portrayed would equally follow in their train?

Certainly, and of course if leaseholders are included (as I think they ought to be) that would cause a still further block.

5084. Then if that block continued, and rents were being paid which were supposed to be unjust rents, and relief could not be granted in consequence of the blocks existing in the courts, a very large amount of dissatisfaction would be the result, would it not?

Certainly. The block must be dealt with in some way or other, and the only way which I can suggest (if I may be allowed to do so) is the very simple and unheroic method of increasing the number of Sub-Commissions.

5085. Earl *Stanhope*.] That would involve a very large additional expense, would it not?

Supposing that there are now 16 Sub-Commissions in existence, if there were 16 more appointed for one year (which I think would clear off the block), that would cost only 60,000 £, and of course 60,000 £. would be a very cheap price to pay for that.

5086. It is nearly 90,000 £. now, is it not, including the cost of the machinery? That includes the Chief Commission and all its branches. I think the cost of a Sub-Commission is about 4,000 £ a year.

5087. Marquess of *Salisbury*.] You have often had to represent a tenant and to argue the question as to what a fair rent is?

Certainly.

5088. May I ask you on what principle you argue a fair rent; before this Act a fair rent meant, the rent that a solvent tenant could be induced to give, but now that competition is removed of course you would not think of using that argument, which would be wholly inapplicable; what argument do you use?

In the first place of course I argue, or I submit, that all recent increases should be, as a rule, taken away.

5089. Simply because they are recent and because they are increases?

No, I assume that they are additions, and that the rent was apparently a fair rent before; of course if the rent had remained undisturbed for a very long period, the rent may or may not be fair, but if recently increased, that is (as I submit to the court) evidence that the landlord has been swallowing up the tenant's interest in the farm and its improvement; and one of the reasons I understand why this Act was passed, was to protect that interest and those improvements.

5090. Your mode of argument is to assume that the old rent was a fair one, and that the modern rent is an unfair one?

I presume, as every advocate presumes, everything in my favour, and if I am asked on what principles I argue before the Sub-Commissioners I say that that is one. In the second place, of course, if the landlord's valuers, being respectable and independent men, come forward and say, "The fair rent is so-and-so," I consider that there can be no such argument in favour of the tenant as to say, "Take the evidence of the other side."

5091. Do you ever adduce an argument derived from the price of produce? Sometimes, and sometimes not.

5092. That does not occupy a very large portion in your view?

No. In three of the largest cases I had, the landlord's witnesses said that the fair rent would be something considerably under the existing rent; and then, of course, the strongest argument that can be offered is to say "Take the evidence of the witnesses from the other side."

5093. No

19th May 1882.]

MR. ADAMS.

[Continued.]

5093. No doubt from your point of view that would be conclusive; but did the landlord's witnesses in those cases state how they themselves had arrived at their conclusion, or did they merely give it as a simple piece of evidence?

Their evidence ran somewhat in this way (I merely give it as an example): "I went upon the land and saw so-and-so; such and such soil," describing the depth of the soil, and so on. They would then estimate about how much oats it would produce, or potatoes, and so on; and then they say, "The fair rent would be 1 l. an acre," or whatever they put it at.

5094. They do go upon the produce of the land?

They do, certainly.

5095. Have you any idea in what proportion they divide the gross produce between the landlord and the tenant?

No, I have not.

5096. That is a question that they never work out?

Not to my recollection.

5097. Yet that would lie at the basis of any such calculation as you suggest?

Yes, I think it would be immensely difficult to hunt back into a man's mind. One man may value a horse, for instance, and that correctly; and one man may say 50 l. and another 100 l.

5098. *Chairman.*] With regard to a horse nothing is easier. A man has only to say, "I have had experience in buying and selling horses, and I am confident that I can get 100 l. for that horse in the market." Is that the way that land is valued?

The landlord's valuers have in my hearing over and over again stated this: "I have fixed a fair rent, or what I believe would be a full and fair rent, if let to a solvent tenant."

5099. *Marquess of Salisbury.*] It is based upon a hypothetical competition which cannot take place, is it not?

Of course it is.

5100. *Lord Brabourne.*] Is there any way of getting at the real value of anything except by comparing what one who is desirous of obtaining it, will give for it, with what another, or several others are also willing to give; must not everything else be speculative?

To a certain extent, of course, but the Act of Parliament adopted a different principle for fixing rent in Ireland.

5101. Is it not rather more correct to say that it took away the only way in which the true value could be ascertained?

Quite so, as to the competition value.

5102. *Marquess of Salisbury.*] Have many of the landlords against whom you have appeared been persons who have purchased in the Encumbered Estates Court?

No, I do not remember that any of them have.

5103. They were all old proprietors?

I believe they were all old proprietors.

5104. What average reduction did you succeed in getting in the cases in which you were concerned?

I would say between 20 and 25 per cent.

5105. Were those reductions in respect of old rents or recent rents?

Some of the rents reduced were old rents, and some of them were recent ones.

Adjourned.

Die Jovis, 15^o Junii, 1882.

LORDS PRESENT:

Duke of NORFOLK.
Duke of SOMERSET.
Marquess of SALISBURY.
Earl of PEMBROKE and
MONTGOMERY.

Earl CAIRNS.
Viscount HUTCHINSON.
Lord CARTSFORT.
Lord BRABOURNE.

THE EARL CAIRNS, IN THE CHAIR.

MR. R. WADE THOMPSON, is called in; and Examined, as follows:

5106. WE understand that you have acted as agent over your father's estates since the year 1876:

I have.

5107. Your father's property is in the county Mayo, I think, is it not? This property.

5108. This property that you have acted as agent for? Yes.

5109. And you have been acquainted with the property for that length of time?

Yes, and a year previously.

5110. Since 1875?

Yes.

5111. What is the acreage of the property?

Five thousand eight hundred and twenty-five acres.

5112. And how much of that is in the hands of tenants?

All that is in the hands of tenants; there is 1,564 acres in the hands of the owner.

5113. Lord Brabourne.] But it is all in Mayo on the same property? Yes.

5114. Chairman.] And what was the rental of that which was in the hands of tenants; what does it amount to?

Before the passing of the Land Act I suppose your Lordship means.

5115. Yes?

£. 697.

5116. £. 697 before the reductions?

Yes, before the reductions.

5117. Lord Brabourne.] Is that 697 *l.* the rental of the whole?

Only that in the tenants' hands.

5118. Chairman.] I suppose it is poor land?

It is; all the land in Mayo is poor land nearly, but it is as good as that of the average estates about there. There is every kind of land there.

(O.I.)

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5118. What

15th June 1882.]

Mr. THOMPSON.

[Continued.]

5119. What is the Government valuation of that same portion that is in the hands of tenants?
£. 691.

5120. So that taking the aggregate, the valuation and the rental were about the same?

Yes, about the same; in many cases under and in some cases over.

5121. Are the holdings small?

Very small.

5122. £. 4 or 5 *l.*?

Between 4 *l.* and 5 *l.* is about the average.

5123. What is the number of tenants?

About 120.

5124. Where in Mayo is the property?

About six miles from Ballina.

5125. How far back can you give us any history of the rental; has there been any change in the rental in modern times?

Practically not, but I cannot go much further back than about 1842.

5126. Then can you tell the Committee what changes have been made since 1842; I mean the general character of the changes?

Yes, I can. The rental of the estate was 675 *l.* in 1842.

5127. And you say that until recently it was 697 *l.*?

This is a table up to the present date; it was 675 *l.* in 1842; in 1847, it was 677 *l.* 9 *s.* 11 *d.*; in 1856, it was 674 *l.* 2 *s.* 11 *d.*; and in 1881, 697 *l.*

5128. So that there had been very little change during that time?

Practically none.

5129. Lord *Brabourne*.] Is that the rental for the 5,825 acres?

Yes.

5130. That is less than half-a-crown an acre?

Yes; of course some of it is very bad land, although there is good land too; that is good for that county.

5131. *Chairman*.] Is this a property which is mortgaged at all?

Not at all.

5132. With regard to the accommodation given to the tenants as to turbary, what privileges have they had?

They have had free turhary and power to sell turf (which is a very great advantage) at a nominal charge of between 10 *s.* and 1 *l.*, whether they use a donkey cart or a horse cart; it is a mere nominal charge, and I may say that it is said that many of them have made from 20 *l.* to 30 *l.* a year out of it, though I cannot state that as a fact, because I do not know it.

5133. As much turf as they want for their own consumption they may have for nothing?

Yes.

5134. And sell off for an annual payment of 10 *s.* or 1 *l.*?

Quite so.

5135. As to tenant right, has there been any sales of tenancies on the estate?

There is no rule on the estate with regard to tenant right, but practically they are never interfered with.

5136. Has the landlord ever bought up any of the holdings himself?

Two or three; within my recollection I do not think more than one or two.

5137. What has he given when he has bought them up?

Five or six years' purchase; perhaps more.

5138. There

15th June 1882.]

Mr. THOMPSON.

[Continued.]

5138. There was a revaluation made of the estate, was there not in 1868?

In 1868 there was a revaluation of the estate which brought it up to one thousand and one pound, in round numbers one thousand pounds a year.

5139. Who was the valuation made by?

A man named Carolan; I forget the Christian name, but Carolan was his name.

5140. Was he a local valuer?

A local valuator; he is at present, I may say, valuing for the tenants; at least I have heard it, and I believe it is the case.

5141. The rental never was raised to that valuation, was it?

Never; it was never put on the tenants at all; not any of it.

5142. What expenditure has been made by the landlord on improvements on the property?

From 1844 to 1874 there was a sum of 573 *l.* spent on making roads through the estate entirely at the landlord's expense, and during the last three years a sum of 700 *l.* has been spent on one road about two miles in length, just completed, that makes 1,273 *l.* During about the last 35 years (I mean before about 1879, for 35 years previously) about 686 *l.* was spent in labour on improvements and paid to individual tenants.

5143. You mean paying the tenants for their labour?

Yes.

5144. For improvements?

No, only for labour on the estate generally; not necessarily improvements on their own farms; otherwise there was a sum of 390 *l.* paid specially to individual tenants for labour, that is, 686 *l.* and 390 *l.*

5145. As regards other properties in the same neighbourhood, of the same kind, would you say that the rental of those properties was about the same as yours, or less, or more?

Very much less.

5146. Yours are more moderate you mean?

Ours are very much less than those of the surrounding properties in the whole county. In fact I may say that when our cases came on at the Land Court, several gentlemen said to me, "Well, if your rents are touched we may all look out;" those were the words used. I may say that our rents were touched; the others were not touched at all, in proportion to what ours were.

5147. Previous to the agitation, which we know began in Ireland in 1879 and 1880, have you ever had any complaints or quarrels with the tenants?

None, or practically none. Of course there may have been a few little quarrels that I cannot remember; but nothing that would be called quarrels.

5148. When holdings were sold, do you know what price they fetched in the market?

£. 30 has often been paid for a small holding.

5149. A holding of between 4 *l.* and 5 *l.* a year?

Between 4 *l.* and 5 *l.* a year; we have paid the tenants this. They often get more; we never paid the highest that would be paid.

5150. Was the landlord in the habit of making any further allowances in winter to the tenants?

Yes, for a great many years, since the famine year (I mean since the great famine) until the year 1879. In that year, too, I think, as well as I can remember, the landlord always supplied meal at cost price to any of the tenants who asked for it, on their credit, to be repaid afterwards, and at present a sum of 400 *l.* is owing to the landlord on that account, or about that amount; I cannot be exactly accurate; but it is about that.

5151. Now we come to the Act of 1881; were any notices served upon you under that Act?

Yes, several notices.

(O I.)

K

5152. How

15th June 1882.]

Mr. THOMPSON.

[Continued.]

5152. How many?

At present nearly all the tenantry are in the court.

5153. And how many cases have been heard?

Nine cases.

5154. When were they heard?

All the nine cases were heard in November last.

5155. And I understand you to say that there was a reduction made; was that so in all the cases?

Not in all nine, they were not all decided then. Only seven of those nine cases were decided in November. The remaining two cases were heard, but the decisions were not given until the February following.

5156. Was a reduction made in all the cases?

All except one; that was raised 1 l.

5157. And what was the amount of the reduction made in the other cases?

Taking the whole of the seven cases in which the decision was given in November, the rent amounted to 38 l. The judicial rent was 30 l.; that is between 20 and 25 per cent. reduction, I think.

5158. They were reduced from 38 l. to 30 l.?

Yes, from 38 l. 9 s. to 30 l. 4 s.

5159. Those were seven very small holdings, of between 4 l. and 5 l.?

I have got a table, if you wish me to hand it in. (*The same was handed in.*)

5160. I will just take the first of these as an example. "Thomas Harrison; valuator's valuation;" who was that; was it the landlord's valuator?

Yes, the landlord's valuator.

5161. £ 3, 11 s. 6 d. was the valuator's valuation; the old rent was 3 l. 3 s., the Government valuation, 2 l. 15 s., and the judicial rent, 2 l. 10 s.?

Yes.

5162. Had there been an examination of the holdings before these decisions by the Sub-Commissioners themselves?

Yes, I believe there was.

5163. Were you present?

I was not.

5164. Were you present at the hearing?

Yes, I was present at the hearing of nearly all the cases; but I was not present at the examination of the land by the Sub-Commissioners. I was with our valuers some part of the time (not all) on the land.

5165. When the Commissioners inspected the holdings, who was present on your behalf?

The sub-agent.

5166. Were any reasons given for the decisions?

None whatever, that I heard. I was not present when the decision was given. You may not understand what has been deducted from the lower part of the table.

5167. I do not quite?

It is the rent that was raised and which has been deducted; that has been deducted to show the nature of those that were reduced; not to include the one that was raised.

5168. There are nine holdings here altogether?

Yes.

5169. That includes the whole, including the one that was raised?

Quite so. Then in order to find out the amount of those that were reduced, I have taken off the one that was raised.

5170. Roughly,

15th June 1882.]

Mr. THOMPSON.

[Continued.]

5170. Roughly, that gives the total of those that were reduced?
Yes.

5171. Then putting aside the one that was raised, the result of the whole, as I understand it, was this, that on eight holdings the old rent amounted to 62 *l.* 1 *s.* 10 *d.*?

Quite right.

5172. The Government valuation was 52 *l.* 0 *s.* 6 *d.*, and the fair judicial rent, 51 *l.* 8 *s.* 6 *d.*?

That is right.

5173. Showing about 20 per cent. reduction?
Yes.

5174. Then the other cases are waiting for decision?
The other cases are waiting for decision.

5175. Have they been heard?

No. These eight cases have all been appealed against. This is a table of our valuator's value in those nine cases,

5176. What valutors had you at the hearing?

We had a valuator named Sydney Cox, from Limerick (a well-known valuator in that part of the world, I believe), and a local valuator named Moore, and my own sub-agent, who is a valuator almost by profession, and often values for the tenants in other properties.

5177. Was the valuation of the valutors who were called by you, in excess of the present rent, or lower?

In excess of the old rent.

5178. In excess of what is called the old rent?

Yes; it went over the old rent. We had some more cases besides these at the time, and it was in excess even of the 1868 valuation in those holdings.

5179. Was there any valuator called by the tenants?

I cannot tell you that; I do not think there was.

5180. You were present at the hearing, were you not?

I was. They produced evidence (I do not think they had been on the land) of what they said they believed to be the value.

5181. Did the tenants call any professional valuator?

Certainly not, any professional valutors, as well as I can remember now. Some of them had friends, or neighbouring tenants, that just gave their evidence of what they thought the value would be, without putting it on paper or anything of that kind.

5182. Lord Brabourne.] I should like to ask upon this point, whether there was anything special in these particular cases, for this reason: you stated that the total value of the rental was 697 *l.*, and that the Government valuation was 691 *l.*; in these particular cases the total value was 62 *l.*, and the Government valuation 52 *l.*; so that if that had been the rule throughout the estate, the total Government valuation would have been very much less than the rent; was there anything special in those cases?

Except that they were never considered to be in any way too high; the tenants never objected to them in any way up to this time; and if you will look at the one which was raised you will see that it was very much the same as the others.

5183. According to your statement of the total amount of rent, as compared with the Government valuation, in these particular cases, the rents must have been higher in proportion to the Government valuation than the rest?

They were.

5184. Then there was rather a special feature?

(O.I.)

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In

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Mr. THOMPSON.

[Continued.]

In those cases there was; perhaps we might call them the worst cases on the estate; they are not all so. In one case the rent was lower than the valuation.

5185. *Chairman.*] Have you formed any estimate of the expense incurred by the landowner in testing these cases?

I have; the solicitor's fees have not been paid yet; but up to the present time these nine cases have cost about 75 £.

5186. Does that include the law costs and the valuator's costs?

Yes, but not the solicitor's fees; they are not yet paid, and I do not know what they will be.

5187. That has to be added to the 75 £?

Yes.

5188. For the nine cases?

For the nine cases. I do not know what it will be; the solicitor has not sent in his bill, but the counsel's and valuator's fees are included in the 75 £, and everything else, of course, and personal expenses.

5189. It would be considerably over a year of the rental in question, would it not?

Considerably; it is nearly double.

5190. As compared with the sum really at stake, it would be something like ten-fold?

It is ruinous, I believe, and for that reason we have decided that we would not take any more trouble in defending cases. The witnesses that must go down will go down, and give their evidence, and do nothing more than that.

5191. Have any of the cases been appealed against?

We have appealed in all these cases, but the appeals have not been heard yet; they are to be heard next week before the Head Commission.

5192. Will the appeals be heard by the Commissioners on the spot, or in Dublin?

At Castlebar; they are put down for to-day, but I do not think they will be heard until Monday.

5193. Have the Commissioners had any examination made by their own valuers?

Yes, they have already sent down their own court valuator.

5194. That examination you do not know the result of yet?

I do not.

5195. Let me ask you about the tenants of the holdings of between 4 £. and 5 £.; do they live on their holdings; I do not speak of their physical existence, but do they support themselves by their holdings?

My feeling is that if there was no rent at all, they would be just as poor as they are now; quite as poor; and that the rent is really nothing. If the rents were reduced to sixpence an acre, it would not make any difference in their lives.

5196. We understand the rent to be something like 2 s. 6 d. an acre?

Yes.

5197. And there would be something like 30 or 40 acres of this land, would there not?

Yes.

5198. What does the land grow?

Some of it of course grows very little. Of course they have all got some bad and some good, as you will see by looking at this valuation of ours; all the cases are valued there, and the different quality of land is given in each case. The good land will produce very good crops, and I may say that my sub-agent who lives down there has a farm (I do not know how many acres), the rent

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Mr. THOMPSON.

[Continued.]

rent of which is about 15 *l.* a year, and he told me last year (and I believe him) that he made between 60 *l.* and 70 *l.* on that holding. Of course it is a little lower rented than perhaps it would be to a tenant, because it is partly his payment. The Government valuation of his farm is about 19 *l.*, and he pays 15 *l.*

5199. Let us take one of these small holdings of between 4 *l.* and 5 *l.*; the proportion of good land must be very small, I suppose, as that is the total rent?

Of course it is; the rental is small.

5200. What proportion of good land would there be in a rental of 4 *l.* and 5 *l.*?

I could not tell you now.

5201. Not much above a couple of acres, I suppose?

I should think not, of the best land.

5202. What do they do with the land; do they grow potatoes?

They grow potatoes.

5203. Anything else?

Yes, corn, potatoes, oats, and turnips; they have very bad meadows, of course, still they have meadow-land, and they sell butter, and sell it in the Ballina market every week.

5204. Have they any horse labour, or is it all hand labour?

Yes, they have donkeys and horses, and carts; the very small tenants use principally donkeys with baskets.

5205. Earl of Pembroke and Montgomery.] Do they cultivate their land well?

No, certainly not.

5206. Chairman.] What do you suppose one of these tenants could make out of his holding in a year; I mean a fairly industrious tenant?

I do not know that I could answer that question accurately at all.

5207. Do they employ any labourers, or is the labour done only by their own families?

By their own families as a rule; of course there may be exceptions; they have very large families, and the children and women all work on the small holdings; but, I believe, if there was no rent at all they would be just as poor as they are now, because the rent is such an infinitesimal quantity as compared with their annual expenditure, generally, that I feel it is not a weight round their neck at all in that sense.

5208. That is what I wanted to come to; what would you suppose to be the ordinary expenditure of an ordinary family on a holding of that kind?

I do not think they could live for under 30 *l.* or 40 *l.* a year; I do not see how they could.

5209. Can they make, out of the land, the difference between the 4 *l.* or 5 *l.* and the 30 *l.* or 40 *l.*; do they make it in any other way?

I do not know; they sell turf, many of them, and make it in that way; many of them, I believe, have made 20 *l.* and 30 *l.* a year by selling our turf; when I say "many," I mean that I believe it has been done.

5210. Of course there is a demand for that, it being near Ballina?

Quite so, a great demand.

5211. But after all, that is not strictly farming, is it?

Quite so, but it is another way of living.

5212. Duke of Somerset] What is the sort of houses which they live in?

The worst kind; they are mud cabins, thatched of course.

(O.I.)

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5213. Chairman.]

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Mr. THOMPSON.

[Continued.]

5213. *Chairman.*] Is the population very numerous in this part of Mayo? It is very numerous, and great numbers go to America yearly.

5214. Is there much emigration going on now?
A great number go to America every year.

5215. How do they provide for the expense of their emigration?
I cannot tell you; I think they have the money. I cannot tell where it comes from; we often wonder; they have saved money evidently.

5216. Who are those who emigrate; are they families or single men?
Very seldom the whole family; it is generally some out of the families. Sometimes whole families do emigrate, but that is not, I am sorry to say, very often the case,

5217. Perhaps the stronger and healthier go and leave the worst behind?
That is just what does happen.

5218. Where do they go to generally from that part of the country; Canada or America?

The United States, I think. I do not think they go to Canada at all from that part.

5219. Where do they ship from; Sligo?

Dublin, I think, principally, and Queenstown; I know that I have met a great many of them going to Dublin.

5220. *Duke of Somerset.*] Do they seem willing to go?

I cannot say that; I do not know. I think the young men like to go, and families, as I say, I have not seen go; because they do not go from our property. I do not know of any one whole family having gone. I should like to make a remark about the rent that was raised.

5221. With regard to the holding on which it was raised 1 £; what observation do you wish to make?

It strikes me that there does not seem to be any special reason why they should have raised that rent more than any of the others; it was not in any way lower than the rest.

5222. No reason was assigned for raising the rent, as I understand?

No; no reason was assigned that I heard of, but I was not in Court, and did not hear the decision.

5223. Has the tenant appealed in that case?

No; my own feeling about it is that if judgment had been given in that case in November it would have been dealt with in just the same way as the others; that is my feeling about it.

5224. Of course that is only speculation; judgment, you say, was given in February?

Yes, it was given in February; the reason why they did not give the decision in November was because they had not been on the land; they had not had time to go, and therefore that case had to wait until they came in February.

5225. *Viscount Hutchinson.*] Have you appealed in that case?

In all the others we have.

5226. Not in that one?

Not in the one where they raised the rent.

5227. *Duke of Norfolk.*] There is nothing in that decision that helps you to arrive at the reason that governed the decision, is there?

Not at all.

5228. *Lord Brabourne.*] The tenant has not appealed in that case, has he?

No; but it had a wholesome effect in one sense upon the tenants; they said after that that they were all sorry that they had sent in their notices, but still they are going on with them, although that frightened them somewhat.

5229. *Chairman.*]

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Mr. THOMPSON.

[Continued.]

5229. *Chairman.*] In the case of appeals, do the tenants pay their own costs, or is there any fund raised for them?

That is a matter that I wanted to mention. In every case, I believe, except ours, down in Mayo, at that sitting, the costs were given against the landlords; for what reason I cannot say; there was no reason assigned at all.

5230. The costs of the first hearing, do you mean?

The costs of the first hearing were given against the landlord.

5231. That rule has been altered since then, I believe, has it not?

Yes, but it was only in our cases that the costs were not given; that really puzzled us too, because if they reduced our rents, why the costs should not have been given against us I do not see; though of course I was glad that they were not. In the one case in which the decision was given in February, the percentage was much lower than in the other cases, which supports what I feel about it.

5232. What was done about costs in the case where the rent was raised?

There were no costs given in it, or in any of our cases. There was nothing said about costs in any case.

5233. Whether they reduced the rent, or raised the rent, they equally said nothing about the costs?

That is so in our cases; I do not know what they did in others. There was only one rent raised in the whole of Mayo, that I have heard of, and that was ours; but if I may say what I feel to be the case, it is this: if we had put our valuation of 1868 upon the tenants, (and which was never put upon them), and had been receiving an increase of between 300 *l.* and 400 *l.* a year since then, we would have been reduced nothing more than we have been now. That is exactly what is the case on all the properties around; they are all about the same as our valuation of 1868, if not higher; they are a good deal higher in many instances, and they have only been reduced about the same as we have been, that is, about 25 per cent., and all of them, when reduced, are far above Griffiths' valuation. That is where we feel it so very hard; we feel that we have been made to suffer for being lenient with the tenants all our lives.

5234. *Viscount Hutchinson.*] In fact you observe that you have been a victim of a systematic reduction?

Quite so; that is quite what we feel about it.

5235. *Lord Brabourne.*] According to that, the man who has pressed his tenants is better off under this Act than the man who has been lenient with them?

Infinitely; that is what we all feel. It is the same thing in other parts of Ireland, I believe, but certainly in our case it is very palpable; we have been mulct tremendously, which we should not have been if we had put our rents at the valuation of 1868, and had been receiving the additional rental since. We would have been at a higher rental than the old rent, and have had 400 *l.* a year for the last 12 or 14 years had we done that.

5236. *Viscount Hutchinson.*] Most of the estates and properties around you, I suppose, where this reduction has taken place upon a higher rental than yours, consist of very much the same class of land as yours?

Exactly the same. There is no difference whatever, and the rent everywhere, far higher than Griffiths' valuation, is reduced in just the same proportion as ours.

5237. About 25 per cent.?

About 25 per cent. in most instances, I believe.

5238. *Earl of Pembroke and Montgomery.*] Were the tenants' improvements extensive on the holdings on which they were reduced?

Not at all. They swore to a great many improvements, but I do not think they proved them, and we do not see them; we never saw them, and nobody could see them.

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5239. You

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Mr. THOMPSON.

[Continued.]

5239. You could not say that the value of the tenants' improvements in any way corresponded with the reductions in rent?

Certainly not; I do not think so.

5240. They did not amount to it?

I do not think so.

5241. Did you observe any correspondence at all between the reductions in rent and the amount of the tenants' improvements?

No.

5242. None at all?

None at all.

5243. I should like to ask you one question about the feeling of the people in the country; is there a very hostile feeling to everybody who is supposed to be connected with England in your part of the country?

I confess that at the time the Land Court first sat, that is the first session, I never saw such ill-feeling as there was that month, but since that time it has died away a little; at that time I never saw such a change within six months; it was wonderful.

5244. That was not merely a feeling against landlords, but a feeling against all classes who might be supposed to be connected with English rule?

Quite so. Until last year, or the year before last, the tenants of this estate were the most easily guided people that ever were. There was no difficulty whatever with them; they were very easily settled with.

5245. Lord Broborough.] To what do you attribute the change?

I attribute it to the feeling that they are going to get something. They think the best way to get it is to fight for it, I think, in the way of fighting against their landlords. That is the feeling of many there that I have spoken to. I may say with regard to the tenants' evidence at the Land Court that their evidence with regard to value was most absurd. They often said that their land was not worth one-tenth of what the rent was; for instance, even the man whose rent was raised said that the real fair rent would have been about a quarter of the old rent; and that is pretty much what happens in every case; and their evidence, I think, was taken into account quite as much as the landlords. They swore that there had been given no money for improvements during any year, although it was distinctly proved that there had been, and proved from their own pass-books, in many instances.

5246. Marquess of Salisbury.] What is the financial condition of the tenants in that part of the country to which you are referring; do you imagine that they are well off or badly off?

I believe that this year our tenants (I do not know about others) have money.

5247. In the banks?

Well, in the banks, or the stocking; that is their bank. I may mention that about four or five years ago, when the late owner of this property died, there were two years in arrear, and those two years' arrears were paid off in three years without much difficulty.

5248. What was the cause of the arrear?

I think it was ever since the famine year that it had remained owing.

5249. Viscount Hutchinson.] Do you think that it commenced in 1848?

Yes, I think so.

5250. Marquess of Salisbury.] Have you any arrears now?

Not generally on the property, but with several of the poorest of the tenants we have. Of course there are a great many of them very poor; I admit that.

5251. How far back does the arrear go?

A great many years; in some cases six years, in some cases seven years.

5252. Do

15th June 1882.]

Mr. THOMPSON.

[Continued.]

5252. Do you think there is any probability of recovering any part of that arrear from the tenants?

I am afraid not much; some part of it certainly we would recover; every year they pay a portion of it off; but I am afraid that if the Arrears Bill did not help us we would not get the whole of it.

5253. You would not get the whole with the Arrears Bill, would you?

No; but I mean a great portion of it.

5254. You say that a portion is paid off every year; do you mean that in addition to their current rent they pay a little of the past rent?

Certainly; that is the only way in which we can try and get it off. It has been going on for years and years.

5255. Has it been going on in the same way; have they always paid off a little?

No, not always. The landlords are very often glad to get the year's rent, or the half-year's rent, from the very poor ones. It is not really a question of the amount of the rent, but because they are so poor that they cannot live; that is the fact.

5256. Do they live upon the produce of the land, or upon their work in England?

I think on the work in England principally. A great many of them come over to England every year.

5257. *Chairman.*] Do they come to England?

Yes; I forgot to mention that just now.

5258. *Lord Brabourne.*] Have you had the property of which you are speaking in your possession long?

My grandfather bought it some time before 1842.

5259. *Marquess of Salisbury.*] Have the tenants got the money now to pay any portion of the arrears that they refuse to pay?

I am sure they have; does your Lordship mean my own tenants?

5260. Yes.

I am sure many of them could pay, but they are holding out to some extent.

5261. *Chairman.*] At this moment are they in arrear largely?

Some of them are, not the whole estate, but only in some individual cases, and that has been the case for years.

5262. *Earl of Pembroke and Montgomery.*] Have any proceedings been taken in those cases?

Yes, in some cases, and I got the money. There has never been an eviction on the estate, I think, since 1842; never for years, certainly, but there have been proceedings taken. There were about 30 writs served last year, and I got all the rent demanded in all those cases.

5263. *Marquess of Salisbury.*] Process has always been successful without having recourse to the necessity of eviction?

Always except in one case, and that was allowed to stand over because the tenant was so poor that he could not pay. That is the only one case I know of in which the rent was not paid by reason of the ejectment proceedings.

5264. You do not know anything of the neighbouring properties, and how they stand with regard to arrears?

No; I am sure they must be very much about the same, though I cannot say that from my own knowledge.

5265. Do you know what proportion of the whole rental of your property is in arrear?

I could not exactly say. I should think not more than perhaps about 20 tenants out of the whole of the 120 are in arrear.

(O.I.)

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5266. The

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Mr. THOMPSON.

[Continued.]

5266. The 20 tenants, I presume, would be the poorest?
Certainly; it is only because they are poor that they are in arrear.

5267. Would they all be under an annual value of 30 l.?
Certainly; the rents are only about 5 l. a year.

5268. Is that the case with respect to the whole of the 120 tenants?
Those in arrear, I may say, are all small ones.

5269. Can you at all tell me what proportion of those who hold under 30 l. are in arrear?

I could not exactly tell you that.

5270. You could not at all give me an approximation, or idea?

Roughly guessing, I should say that of the 120 tenants, about 80 would be about 5 l. a year; and that of those, about 20 are in arrear, or between 20 and 30; I do not know whether that is right or not, but I should imagine that that is about it.

5271. Do you imagine that your estate is worse off in the matter of arrears than the estates of your neighbours, or that it is better, or similar?

I should think it is very similar; that is my own feeling about it. Of course I admit we have been very lax with the tenants in many cases from generosity, from not liking to turn them out, and others, perhaps, have not been so lenient.

5272. People who have been harder are better off, you think?
Infinitely better off; there is no doubt about it. That is what we feel.

5273. The tendency of recent events in Ireland is to cause landlords to be as hard as possible, is it not?

There is no doubt about it.

5274. To exact the last shilling at the earliest day?

Certainly, for their own temporal advantage.

5275. Looking simply at the commercial aspect of the question, without any reference to moral considerations, that is the tendency, as I understand you?

Quite so. In all the cases in which we were served with notices we demanded, when we went into court, that the rent should be raised; I asked the tenants for a rise before they went into court, so as to make it in form, as we thought at that time that it was necessary to do so, and that the rents ought to be raised; it was only in the one case that the court raised it, but I believe that it was not necessary to demand the rent beforehand.

The Witness is directed to withdraw.

SIR SAMUEL HAYES, BART., is called in; and Examined, as follows:

5276. *Chairman.* You are a magistrate and deputy-lieutenant for county Donegal, I believe?

I am.

5277. And we understand that you have been, for about 22 years, in possession of your property, which is an old family property, as we know, in the county Donegal?

That is so.

5278. What is the extent of your property, the acreage?
About 22,600 acres.

5279. And are the holdings large or small?
Decidedly small.

5280. How

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SIR SAMUEL HAYES.

[Continued.]

5280. How many tenants have you?
Six hundred and two is the exact number.

5281. And generally, what is the rental of the holdings?
The average is under 10 l.

5282. As compared with the valuation, which is called Griffith's valuation, is your rental above it, or below it. I mean the rental before recent changes?

Taking the whole of the property, it is seven per cent. under Griffith's valuation, but that may be accounted for. I think I ought to say by the fact of there being some old leases, and they are all below the valuation; and about 160 of the other tenants are also at or under it.

5283. That makes the average below Griffith's valuation?
That makes the average below Griffith's valuation.

5284. But, excluding those, and taking the ordinary yearly holdings, are they above or below Griffith's valuation?

The average will be above five or six per cent. above Griffith's valuation, as near as I can say.

5285. When was the last valuation of the estate made?
In the year 1858, by Brassington and Gale.

5286. That was before you came into possession?
Just before I came into possession.

5287. And were the rents raised then to the amount of that valuation?
They were not raised entirely to that amount. Since then I have sold a portion of the property.

5288. In what year was that sale made?
That was in 1878.

5289. And to what extent?
Twelve hundred pounds a-year.

5290. How many years purchase did it fetch?
It averaged between 25 and 26 years; and perhaps I may say that I was offered 26 years' purchase for a much larger portion of the estate, but I did not accept it, because it would have produced more money than I required at that time.

5291. With regard to the privileges of the tenants, what rights have they as to turf?

They have not free turbary, because I have always charged a nominal sum of 1 s., so as to reserve my right over it, but with that exception they have all been allowed the turf.

5292. What do you call a nominal sum?
One shilling a-year to each tenant.

5293. That is not much?
No, it is a very nominal sum; 1 s. up to 40 perches; that is for their own consumption, and over that they were allowed to cut as much as they liked upon paying 1 s. 6 d. a perch.

5294. Over the 40 perches?
Over the 40 perches.

5295. Forty perches a year they have for 1 s. a year?
One shilling a year, and 1 s. 6 d. is what I charge strangers, and they are put in the same category as strangers after that amount.

5296. Have they any rights as to limestone and timber?
They are allowed to take the limestone free.

5297. Is that limestone for putting on the ground?
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SIR SAMUEL HAYES.

[Continued.]

For burning and putting on the ground. Of course they have to draw it some little distance, but they have been allowed to have it free; and in addition to that, large quantities of timber were given to them free, up to a very few years ago; but I found that that did not answer, so I put a nominal price upon that; I found that they took it, not wanting it but simply wasting it, therefore I put a very nominal price upon that also.

5298. Has there been tenant right upon the estate?
There has.

5299. Without limit?
I may say without limit.

5300. What has the tenant right generally realised?
On an average about 16½ years' purchase, varying from six and a half up to 30 years' purchase. It has gone as high as 30 years' purchase; I can show you a table, if you care to see it, of the tenant right sold during the last number of years.

5301. What estates are in your neighbourhood?
Lord Lifford's and Sir William Styles'; and Colonel Montgomery's is another.

5302. Compared with the rentals round about you, is your estate moderately rented?
I think we are all just about the same.

5303. Have you had any disputes with your tenants until the present agitation has arisen?

None; and though of course the Irish tenantry could never be called quite contented, they were certainly so far contented that they paid their rents perfectly willingly up to the commencement of the agitation.

5304. Willingly and punctually?
Punctually to a great extent. Of course there are always some stragglers who come in a little later; but the whole amount was paid. I have got a table here with the whole rents paid in full, and some arrears besides, down to the year 1879, when of course there was a great falling off. The rent was always paid in full prior to that time.

5305. When did the falling off first begin?
In the year 1879, I see from the table, that there was a great falling off then.

5306. Under the Act of 1881, some of your tenants have gone into court to have a judicial rent fixed?
They have.

5307. How many?
Fifty-five originating notices I have had altogether.

5308. And how many have been heard?
Fifteen.

5309. Where were they heard?
Some were heard at Letterkenny, and some at Stranorlar. They were listed for hearing on two occasions before they came on; the third time they were heard.

5310. Why did they not come on; were they not reached?
They were not reached.

5311. And when did they come on; was it in May?
Some time in May, the exact date I cannot remember.

5312. The exact date does not matter; have you got a list of the cases, with the rents?

I have (*the same is handed in*); the Government valuation is the front column.

5313. This

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SIR SAMUEL HAYES,

[Continued.]

5313. This shows the Government valuation, the present rent, and the judicial rent fixed?

Yes.

5314. What is the column which I see in blank, "Nolan's valuation"?

That is my valuator's valuation, and I am sorry to say I have not got that. He was busy, being much employed in the county, and I have not had time to get it since I knew that I was to appear before your Lordships.

5315. Is that a valuation that he gave as a witness?

Yes; I should like to have put it in, because, in every case, I think, it was above the present rent. There may have been one or two cases where it was at the present rent, but I think in almost all it was above it.

5316. Have you made an average of what the reduction is upon the whole?

About 22 per cent. reduction upon the whole.

5317. Were any of the rents raised?

Not one.

5318. All reduced?

All reduced; and not only reduced, but what struck me as very extraordinary was that they were almost all reduced below the Government valuation. There were some exceptions to that, of course; but, as a rule, they are all reduced below the Government valuation.

5319. Not all of them?

Not all, but I think, as a rule, they are.

5320. In the first one the judicial rent is 50*l.*, and the Government valuation 52*l.* 10*s.*; that is a reduction of 2*l.* 10*s.*?

Yes.

5321. In the next the judicial rent was 32*l.* 10*s.*, and the Government valuation 28*l.* 15*s.*?

There are some, I know.

5322. They have taken the Government valuation in the next at 23*l.*?

Yes.

5323. Then I see one, 7*l.* 10*s.*, Government valuation reduced to 6*l.*; 10*l.* 10*s.* reduced to 9*l.* 10*s.*; there are a great many reductions?

There is one case in particular that struck me, where the present rent was under Griffiths' valuation; they have still reduced it considerably below that again. If I remember the name, M'Dude, the Government valuation was 10*l.* 10*s.*, and I think they have reduced it to 9*l.*, or to 9*l.* 10*s.*

5324. Then were their decisions given with any reasons or without reasons?

I was not in court, but I do not believe there were any particular reasons given. (*The document is handed in.*) I have appealed against the cases.

5325. Against all of them?

Yes, I have. These being the first cases, and because I do not consider the decisions just, I have appealed.

5326. These rents which have been reduced are the rents which have been paid by the tenants, as you have mentioned?

They are the rents that have been paid all that time.

5327. When you sold the portion of your property which you mentioned, was any part purchased by the tenants?

There was a certain amount purchased by the tenants.

5328. Did they pay the same price on the old rental of 25½ years' purchase?

They paid quite that average. One I see paid 30 years' purchase. Tenant right, I should think, was rather over an average of 16½ years' purchase.

(O.I.)

L 3

5329. Has

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SIR SAMUEL HAYES.

[Continued.]

5329. Has a sufficient time elapsed for you to know what the effect of those decisions will be as regards the other tenants coming into court?

Hardly yet; but one cannot help drawing one's own conclusions from it. Owing to these reductions I do not see what is to stop all of them coming into court. I think it is possible they may stop knowing that those cases are being appealed against. I do not know whether that may influence them in any way.

5330. They may wait to see the effect of it. You have purchased the tithe-rent charge upon your property, have you not?

I have.

5331. When did you make that purchase?

Very shortly after the passing of the Church Act.

5332. Is the purchase-money payable by instalments?

By instalments.

5333. It is not, therefore, all paid, I suppose?

Not nearly. The whole amount I have to pay is 195 *l.* a year.

5334. You have to pay that 195 *l.* a year?

Yes.

5335. It was made on an estimate of the produce, I suppose, at that time?

I suppose that was it. There was a calculation made, and I know that the entire amount came to a very little more than what I was paying before, and at the end of 50 years that ceases, as far as I can understand the tithe.

5336. Have you also to pay the Board of Works' instalments?

I have to pay the Board of Works' instalments.

5337. What is that for?

That is for money I got for improvements for rough land that I took into my own hands. I gave a great deal of labour with it, of course. It was mountain land, I may say.

5338. Was that land that was in the hands of tenants?

Some of it was in my own hands, and some of it I got from the tenants by amicable arrangement with them, having paid them for their tenant-right.

5339. Your estate, as we understand, is a family estate?

It is a family estate.

5340. Is it in settlement?

The greater portion of it is in settlement; a small portion is not in settlement.

5341. Is it subject to jointure and charges?

To jointure and heavy charges.

5342. And those charges, of course, will remain fixed, no matter what the reductions in the rental are?

Perfectly so.

5343. And virtually the reduction comes out of the margin, after paying the jointure and charges?

Yes.

5344. Are there mortgages?

There are mortgages.

5345. On the settled or unsettled part?

On both. I paid off a large portion of the mortgage on the settled portion of the estate with money realised by the sale of that portion of the property before alluded to; having been empowered by will to sell for such purposes.

5346. Have any of the mortgagees called for their money?

It may have been a curious coincidence, but three days after the first decisions

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SIR SAMUEL HAYES.

[Continued.]

decisions were given fixing the judicial rents, I got a letter from a mortgagee calling in mortgages.

5347. Is it a sensible thing in Ireland to get a transfer of any mortgage taken by any one now?

I am advised by my lawyer that it is utterly impossible; that no one would think of advancing the money.

5348. So that you are left with all the fixed charges on the property, and the reductions take effect upon what was the surplus after the charges were paid?

That is so, with every prospect of large reductions, as far as I can see; and not only that, but perhaps I might mention the charges for the younger members of the family. They are on the property now, under certain conditions, to be paid off on marriage; for instance, I could not get the money to pay them off now. I could not raise the money to pay them off.

5349. The charges are of such a kind that there is an obligation on you to pay them off from time to time?

Yes.

5350. And you can only pay them off by borrowing the money?

By borrowing the money; and that power is now taken away from me, for as far as I can see nobody would lend.

5351. Marquess of Salisbury.] Have you any of your tenants in arrear?

Considerably in arrear.

5352. Does that apply to the richer tenants as well as the poorer tenants?

Principally to the poorer. There is one thing, that the running half-year is always in arrear.

5353. The hanging gale?

At the hanging gale they are all in arrear, or with very few exceptions.

5354. Besides that, you have arrears?

Besides that, I have a large amount of arrears.

5355. Would the tenants in arrear be mainly over or under 30 *l.* a year in value?

Mainly under.

5356. How many years, would you say, on the average, they were in arrear?

I really have not made out that calculation, but I should think certainly three years. Some of them, of course, are in arrear long years back, six or seven years, I may say, in arrears. Those arrears, of course, accrued a long time ago. That is only on exceptional parts of the property.

5357. Considering merely the tenants who are under 30 *l.* valuation, what proportion should you say are in arrear?

I should say, certainly, four-fifths.

5358. And all of them, you say, are in arrear for three years?

I should say that, on an average. I should not say that all of them were in arrear to that extent, but some of them, being so much more than three years, would make that average. I think some of them would certainly not be more than one, or, at the most, two years in arrear, because they have a habit of sometimes paying one year, leaving the next year unpaid, and then paying again, like that.

5359. Under the new Act they have the right, have they not, of selling their tenant-right?

They have.

5360. At what rate of value would a man on your estate, whose rent was 30 *l.*, sell his tenant-right?

The average, as I have just shown, is, I think, 16½ years.

(O.I.)

L 4

5361. Sixteen

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SIR SAMUEL HAYES.

[Continued.]

5361. Sixteen and a-half years at 30 £?

Rather less than 16½ years at 30 £; say, 15 years.

5362. That tenant-right is a very considerable security for the payment of those arrears, is it not?

Certainly it is.

5363. And I suppose, if you despaired of getting any more arrears out of your tenant, you might evict him and force him to sell his tenant-right?

Quite so. It might have been done in many many cases, but that one was, I suppose "good-natured," is the word to use, enough not to force it.

5364. Quite so; but still if you were dealing with the matter strictly on commercial principles, that is the way in which you would recover your arrears?

Quite so, and often it has been done not by compulsion; but a man has sold off voluntarily, finding he could not pay year after year, and the arrears have been paid out of the proceeds of that sale.

5365. But with that tenant-right remaining there, it cannot be said that your debts are bad debts?

Certainly not.

5366. There is good security against them all in that tenant-right?

Certainly.

5367. If it was proposed to take away that security from you, you would be very hardly used, would you not?

Very hardly, indeed, I think.

5368. Have you any knowledge of the state of the proprietors who are next to you?

I know that there are large arrears. I know on one property, particularly, of a friend of mine (Sir William Styles), there are large arrears.

5369. Should you, speaking generally (of course you can only speak very roughly and approximately), imagine their condition to be similar to yours?

I should think it is very much so. I think, perhaps, there are a larger number of the poorer tenants upon his property than upon mine.

5370. But of those poorer tenants you would think there are probably about the same proportion in arrear?

Quite so.

5371. And I suppose the tenant-right would range at about the same value as with you?

I fancy so; I think it is about the same.

5372. Do you imagine that your tenants have money in hand?

I imagine some of them may certainly have, but I should be sorry to say that I think all of them have.

5373. I suppose that will be confined to the richer ones?

Yes, I think so, though it is extraordinary how some of them have got money in hand that you would never think had; judging from their exterior look of poverty one would think they had not a penny, but many of them have money.

5374. Are many of them indebted to the banks?

I think a great many of them are.

5375. And to the tradesmen?

I fancy so.

5376. Out of what has the rent been paid; out of the value of the land, or out of any labour wages they may have earned in England or elsewhere?

Generally out of the value of the land; they have tried to make it so.

5377. They

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Sir SAMUEL HAYES.

[Continued.]

5377. They do not go to England?

Some of them go to Scotland. Some of the poorer class do, in fact a great many of those do, but the richer sort of course do not. I think when their extreme poverty is spoken of, people do not take into account that the poverty is very often produced by extreme laziness. They do not work their farm, and they do not do anything for it.

5378. You do not consider them to be industrious?

I cannot say that I do; that is to say, I am glad to think a great many of them are industrious, and the industrious ones never find any difficulty in paying their rent. It is the lazy, thriftless ones that appear to get behind-hand.

5379. You would not take thrift to be a predominant characteristic of the poorer population in your country?

I certainly would not.

5380. Do they make any improvements on their property?

Very rarely. Some of the better sort do, but the others I cannot say do.

5381. Has there been much agitation among them?

A considerable deal lately. It has not burst out in the sort of flame that it has in other parts, but there has been a good deal of suppressed agitation.

5382. Do you imagine that they have been at all affected by projects which we understand are before Parliament with respect to the payment of arrears in the payment of their own debts?

I should think they were, but it is only a matter of conjecture on my part.

5383. It has not come to your knowledge at all?

I have not been in that part of the country at all lately.

5384. You have not been there for some months?

No; I have had other reasons for being in Dublin the last few months, so that I have not come in contact with them.

5385. Supposing that there was a proposition for paying a portion of their arrears out of public money, and for remitting any portion of their arrears forcibly by Act of Parliament, do you think that such a proposition, if adopted, would have in future years any detrimental effect on their willingness to pay rents?

I should think it would most decidedly have a prejudicial effect, not only upon them, but I think it would create a tremendous feeling of discontent amongst other tenants, well doing tenants, who have striven to pay their rents, and have done so; they seeing the other men having their arrears paid for them, it would naturally, I should think, promote discontent amongst them.

5386. All those who actually came within the benefit of such hypothetical legislation would, whenever pressure came round again, look for similar succour?

I think so, without doubt.

5387. And they would put pressure on their landlord to obtain it?

I think there is very little doubt about it.

5388. Viscount Hutchinson.] I think you stated the amount of reduction which you had upon your property; what was the amount at which you put it?

About 22 per cent.

5389. Did you state the amount of your yearly rental at issue; can you tell me what that was?

The bulk sum.

5390. The gross rental of the number of cases decided?

I am afraid I did not tot it up.

(O.I.)

M

5391. What

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Sir SAMUEL HAYES.

[Continued.]

5391. What relation does it bear to the expenses you incur in defending these cases?

I have not got the entire thing, because the valuator was away; but I think I could not put it at less than about 3 l. a case, without the appeal; and what the costs of the appeal will be I do not know.

5392. You suffered a postponement in one case, did you not?

I did; that is true. I did not calculate that when you asked me the question. Of course that is a further expense, but even with that I think I may say it is 3 l. a case, as I allowed a small margin when naming that sum.

5393. Does that cover solicitor's expenses, counsel's fees, and valuator's charges?

I did not employ counsel as I thought I could not afford it. I only employed a local solicitor. I did not go to all the expense that some people do, I am well aware, for I did not see the object of it, to tell you the truth.

5394. And it was about 3 l. a case, irrespective of the amount in issue in each case?

About 3 l. a case. I would not be perfectly exact, because I have not got my other valuator's bill; I had not time to get it, for he was away.

5395. Marquess of Salisbury.] I understood that your valuator generally gave evidence in favour of your rents being lower than the value of the land?

My valuator valued almost all the rents higher than they are at now.

5396. Exactly; he gave evidence in favour of the rents being lower than the true value of the land?

Yes, quite so.

5397. Were there valutors on the other side?

There were, such as they are.

5398. I suppose not instructed men?

No, they are the very commonest sort. I do not know really who they were exactly; but I have been in court myself sometimes, and know the class of valuator that they have.

5399. What courts were you in?

I was in Letterkenny. I only went there once, to tell the truth, for I felt rather disgusted with it, and did not go again; but I attended one to see what it was like. I was also at the Lifford court once.

5400. Was there anything in the circumstances or the conduct of the court that induced you not to return to it?

I was going to say I think it a most extraordinary court altogether. It appears to me to be a court where landlords are vilified and abused to the heart's content of any attorney who likes to get up, and who wishes to get a little notoriety. That struck me, in the first place, very forcibly indeed; and it is needless to say that he has a very admiring audience in the tenantry who have now become discontented, though they were not discontented before.

5401. When you say the tenantry are an admiring audience, were they allowed to give expression to their admiration?

It could with difficulty be suppressed, but Mr. Burke did suppress it.

5402. There was no sympathy with that kind of language shown from the Bench?

No sympathy, but I think it is not put a stop to in the way one would imagine. It struck me, and a great many others, too. I heard some friends of my own abused in very round terms, and in a way that astonished me.

5403. Viscount Hutchinson.] Was it personal abuse?

Yes, it was, and I think violent abuse really.

5404. Marquess of Salisbury.] Were you under cross-examination?

No, I did not appear in my own cases.

5405. Did

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Sir SAMUEL HAYES.

[Continued.]

5405. Did you see any landlords appear?

I did one; Lord Lifford. That was the only one I saw.

5406. He was examined?

He was examined, and had evidence to give in his own case.

5407. Abuse has been spoken to (I do not know whether you had any opportunity of witnessing it), and witnesses being cross-examined on matters irrelevant to the case before the Court, but painful to themselves?

I think so. I heard cases of that kind. I remember one case in particular; a case of a friend of my own. I do not know whether I ought to mention names, but the attorney elected to call him a liar in so many words. He was very old, and very ill. The gentleman himself was not there, but it was done behind his back. He was an old man, and not able to see his tenants on one occasion. It was something about that, and the attorney abused him in the most unwarrantable manner, I think; but this was tolerated.

5408. Duke of Norfolk.] Do you mean that the Courts might become means of disseminating principles against the landlords or against any particular class?

That is what I do mean. I think it is calculated to do that, most decidedly.

5409. Are those who are acting for the landlords, such as agents or valuers, held up to contempt in the same sort of way?

They are in many cases. I have not heard that myself. I was only present on two occasions.

5410. Was it done in such way as to prejudice them?

Trying to damage their character, and with that sort of feeling.

5411. Would you say that it was done in such a way as to amount to intimidation?

Hardly that, I should think; but still to damage their character.

5412. It would be purely personal, I suppose; it would not affect any political question with regard to the connection with England, or anything of that kind, would it?

No, I do not think that it would.

5413. Marquess of Salisbury.] Are you acquainted at all with the effect of these judicial decisions upon the position of any of your neighbours; of course I do not wish you to mention any names, I wish rather to know what the effect upon the proprietary class has been in the part of the country with which you are acquainted?

I think gentlemen (and I can quite understand it) are very reluctant to let anybody know how they are affected by it; it is a very natural feeling, and I share it myself, but I think it is one's duty to state the facts; consequently one does not know actually, but one can say almost to a certainty, that they are very prejudicially affected by it, and a great number of them are in very great straits.

5414. Have many ceased to reside in the country in consequence?

Immediately about me, I am sorry to say, there were so few at the best of times, that it cannot be said many have left; but in one case in particular I know some people have been forced to leave; they could not live there; not because of intimidation, but simply from want of money; another family has also left, though their leaving was more from the general discomfort of the agitation, I think, than anything else.

5415. Has there been, do you think, much arrest or stoppage in the expenditure of money in the country?

In a general way, do you mean?

5416. I mean by proprietors, and persons dependent upon or connected with them?

I think there has certainly been a stoppage. I think everybody is trying to reduce their expenditure as much as they possibly can.

(O.I.)

M 2

5417. And

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SIR SAMUEL HAYES.

[Continued.]

5417. And not to spend so much money as they used to do in the country? I think not, simply because they are not able to do it owing to what has happened in recent years. They have to curtail expenses in every kind of way.

5418. I think you have already said the advance of money on mortgage has almost ceased?

I think entirely, as far as I know. I could not see my way to get any to pay off any charges at all.

5419. Is it since 1878, or is it at a later or earlier period that the present state of tension of feeling between landlord and tenant has arisen?

I think that first year of distress, as they call it (which was exaggerated a great deal, though there was a certain amount, I know), was when it really began to show itself very much. That was made a means for agitating in the most unwarrantable manner, I think. Though there was distress, it was very much exaggerated.

5420. Do the Roman Catholic clergy in your district take much part in the agitation?

I cannot say that they do openly, and I am not justified, I suppose, in saying what one thinks about it.

5421. At all events you have no ostensible ground for imputing it to them?

No.

5422. Then by what machinery was this agitation conducted; was it simply strangers coming into the district, or were there persons of influence whom they got hold of in the district?

I think there were people going round agitating quietly, and then they had their Land League meetings, and disseminated their views, even the local people. There are some local people about who got up, and what I call spouted to them these doctrines on several occasions.

5423. Do you think before 1878 these doctrines did not exist at all?

I will not say that I think they were not working up, but they did not come out in any kind of way before. I can see a marked difference ever since the Land Act of 1870.

5424. You think that begun the controversy?

Yes, there has been a growing difference in the general demeanour of the tenant towards the landlord, and everything like that. There was a decided difference from that time, and it gradually got worse and worse.

5425. Do you mean that a conviction reached them that they had an ally in the English Government or the English Parliament against their landlords?

I rather think so; that appeared to be the thing, and if they made enough fuss about it they might get some more benefit. I think that is what it gave them to understand.

5426. Did you notice the circumstance very distinctly?

Decidedly; and not only I, but I think everyone would corroborate what I say.

5427. You had not noticed any such alteration of good feeling before that time?

Not at all; it was quite a different thing. If you will allow me, I should like to make a remark upon one or two points. First, with regard to the courts I have attended, as I was at one or two courts. I have already spoken as to the personal abuse lavished upon landlords, but next to that I think a very important thing is the class of evidence that the Commissioners seemed to take, while utterly ignoring other classes of evidence. The evidence of the tenants' valuers seems to be accepted with very little hesitation. I can quote an instance of the class of valuator. I know my near neighbour and relative, Lord Lifford, has got one very troublesome and discontented small tenant, and

I have

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SIR SAMUEL HAYES.

[Continued.]

I have another upon my property; the one goes and values his property, and the other comes and values my property; immediately after that their own cases are settled, and this evidence seems to be taken without much hesitation at all. To corroborate what I say, I will read, if you will allow me, a very short extract from a letter from my agent, who is a very clever man, about it. He says: "What most strikes myself, as well as others with whom I have consulted, in regard to the decisions of the Sub-Commissioners, is the impossibility of knowing or finding out on what basis they ground their judgments, and, consequently, the difficulty of knowing what evidence to produce. My own opinion is, it is immaterial whether the landlord produces any evidence or not. I have seen cases heard where the landlord has not appeared at all, and the decisions were much the same as in other cases on the adjoining townlands, where the landlord produced evidence, and contested the cases fully. The Commissioners visit the lands, and inspect them as carefully as one could expect, considering the number of cases they have to get through in a day, and on this personal inspection they fix the rent. What I am much surprised at is that they do not enquire into the price of produce, or the produce per acre, for after all these are the fundamental bases upon which any fair rent should be fixed, and such prices should be taken over a number of years, when the rent fixed is to be unalterable for 15 years. Over and over I have seen the tenant's valuator, often one of themselves, proved utterly wrong in the principles on which he based his valuation, and the Court have even expressed themselves that such evidence was unreliable, and yet the result has been a reduction of rent." That is the opinion of a man who attends on these cases; he has attended all mine, and those are his views upon that subject. Another thing is, of course, the enormous expense; we have touched upon the matter before. It is needless to say that one tenant can go on, and stand the small expense to him, whatever it may be; but if it comes to a matter of 600 tenants, I do not see how a landlord in my position can defend the cases at all. I am perfectly sure I could not, and the consequence, I suppose, is that I shall have to leave them undefended; but as to that matter I have not made up my mind exactly as to what I am to do. Another thing that strikes me is this; there are three points with regard to the circumstances of a landlord now, that are deserving of the most serious attention. One of those is that the amount that he has to pay for the mortgages and the charges on his property is exactly at the same rate that he always had, although his rents are reduced enormously. Another thing is the tithe rent-charge, and the interest to the Board of Works. The tithe rent-charge most of us have thought a hard thing for a long time, it is needless to say; but be that as it may, that it should remain as it always has been is a very unfair thing. As to the Board of Works' money, many of us felt ourselves in a position, when we borrowed the money, which justified us in doing so, having a certain margin to act upon. Now, that margin is swept away by the very Government who advanced the money, and yet we are expected to pay exactly the same amount of interest. I can only say with regard to the last items that I trust there will be some reduction; but with regard to the first, that is money for paying charges, it appears to me that the State certainly ought to be pressed to advance moneys to the landlords at a reduced rate of interest to enable them to pay those charges. I do not pretend to be a great financier myself, but I am told by those who have abler heads than mine that it could be done without loss to the State, and if it could be done, it is surely a very small portion of justice to give to the landlords to enable them to meet their charges, and not allow their estates actually to be sold up at a value which is ridiculously small, and which it positively must end in so far as I can see now, unless something is done. Of course it is for your Lordships to consider whether anything can be done in the matter, but it would be of immense value to many landlords if such a scheme as this could be carried out. With regard to the Arrears Bill (I do not know whether it is right for me to touch upon the Arrears Bill), if that was carried, it appears to me that it might be a great inducement to many landlords to get a ready sum of money into their hands, but it is such an utterly immoral proceeding that I think very many proprietors would, if canvassed, vote against it. If that money could be

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SIR SAMUEL HAYES.

[*Continued.*]

applied to the extension of the purchase clauses, it would be, in my opinion, more beneficial to the country in every sort of way, for peace of the country generally, and for the landlord and tenant individually. So far as regards the arrears, even if land were sold at 25 years' purchase, which certainly it must be to recomp the landlord in any way, there should be some scheme such as charging a man in arrear a higher price than a man not in arrear; suppose that a man were in arrear, he should not get his land quite for the same value as a man not in arrear. Some such scheme as that struck me as being possible. Of course it is for wiser heads than mine to deal with that, but the crisis is so very imminent to many of us, that one cannot help seeing that something must be done. I can only say, in conclusion, that it is with a feeling of great pain (and it is most unpleasant to me personally) that one talks of one's private affairs in this way; but when so many interests are involved beyond my own, I think it is my duty to do so, however painful it may be at the time.

Adjourned to Thursday next, at Twelve o'clock.

Die Jovis, 22^o Junii, 1882.

LORDS PRESENT:

Duke of SOMERSET.
Marquess of SALISBURY.
Marquess of ABERCORN.
Earl of PEMBROKE and
MONTGOMERY.

Earl CAIRNS.
Lord TYRONE.
Lord CARTSFORT.
Lord KENRY.
Lord BRADBOURNE.

THE EARL CAIRNS, IN THE CHAIR.

MR. SAMUEL MURRAY HUSSEY, is called in; and Examined,
as follows:

5428. *Chairman.*] We understand that you are the owner of land, and that you are also an agent for various properties in the south of Ireland, and that you are and have been well acquainted with the value and management of land in Ireland for many years?

Yes.

5429. You have been a purchaser yourself, we understand, in the Landed Estates Court?

Yes, nearly all my property was purchased in the Landed Estates Court.

5430. Will you be good enough to give us the particulars of your purchases in the Landed Estates Court?

The last purchase I made in the Landed Estates Court was in August 1879, for 30,275 *l.*

5431. What county was that in?

In the county of Kerry.

5432. What was the acreage of the property?

In or about 3,000 acres.

5433. What was the rental of that property?

The rental was 1,264 *l.* 10 *s.* 2 *d.*, exclusive of some turbary worth about 200 *l.* a year.

5434. And you had the usual conveyance, I suppose, from the Landed Estates Court?

I had the usual conveyance, but of course no books, or maps, or papers to enable me to prove what the former rents were.

5435. No papers of any kind were handed to you?

None.

5436. Nothing but the simple conveyance?

Nothing but the simple conveyance.

5437. Is that the conveyance you have in your hand?

A copy of it, and the particulars of purchase are on the other side. I shall leave that as an exhibit. (*The document is handed to his Lordship.*)

(0.1.)

24

5438. What

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Mr. HUSSEY.

[Continued.]

5438. What is on the other side has nothing to do with the purchase, but is a statement of your own?

It is a statement connected with the purchase.

5439. You had better hand in, if you please, a copy of the conveyance; I will hand you back the statement. (*The document is handed in, vide Appendix.*) After you made this purchase did you raise the rent at all?

No.

5440. None of the rent?

None whatsoever, nor did I ever contemplate it.

5441. And the rents until the Act of last year were just as they were when you made the purchase?

Just as they were.

5442. Have you made any expenditure upon the purchase yourself?

I have spent about 2,300 l.

5443. What upon?

Mostly drainage.

5444. Has any offer been made to you with regard to the charge on your estate?

None. When the Land Act of 1881 was passed, the majority of the tenants served notices to have their rents reduced.

5445. How many tenants were there on the property?

Probably 80; but I am not quite certain.

5446. And how many have served you with originating notices?

About half of that number, and several of those tenants had, previous to the Act of 1881, bid 27 years' purchase for their holdings.

5447. You mean when you bought?

Yes.

5448. They bid against you?

Yes; they bid against me.

5449. Twenty-seven years' purchase on their then rental, do you mean?

Twenty-seven years' purchase on their then rental.

5450. Are you able to say how many have bid for their holdings on those terms?

Very nearly half the rental, or more than half.

5451. Lord Tyrone.] Did they all offer 27 years' purchase, or did they vary?

The average was about 26 years.

5452. The average of the offers of the tenants?

Yes.

5453. Chairman.] I suppose we may assume that you bid a higher sum than that?

No; I did not pay higher.

5454. You say they bid against you?

Yes, but the owners would not divide the estate. They declined to divide the estate, and if the owners had been willing to sell to the tenants, I should not have bid against them.

5455. To come to these originating notices, when were they heard?

They have none of them been heard yet.

5456. Were they not down for hearing?

They were down for hearing, but at the same time there were several notices posted up in the county of Kerry, offering a reward to any person that would shoot me; public rewards.

5457. Then

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Mr. HUSSEY.

[Continued.]

5457. Then what steps did you take in regard to that, with regard to the hearing of the cases?

I went to London for a time, and I applied by affidavit to the Commissioners for the adjournment of the cases, which was granted.

5458. The cases are all adjourned, then?

The cases are all adjourned.

5459. When do they come on?

They will probably come on in November. You may remember, it being a matter of notoriety, that that is what happened to Mr. Bourke; he went to attend the Land Court, and they waylaid him on the way back.

5460. Was that in the same country?

No; in the county Galway.

5461. Were your rents punctually paid until lately?

Yes.

5462. Up to what time?

They are punctually paid now up to last September.

5463. You have no arrears?

Not many. Immediately on the passing of the Land Act in 1881, I tendered the property to the Commissioners, and asked to get back my money, and said I was quite willing to make a sacrifice of all my expenditure.

5464. What answer did you get?

The answer was that they could not do it.

5465. Now, to come to the properties for which you are agent; where are they situated in Kerry?

I receive rent in Kerry, and in some adjacent baronies of Cork and Limerick, from 4,608 tenants, representing a rental of 80,644 *l.* I am partner in a land agency firm where they receive about 130,000 *l.* from 4,500 tenants.

5466. What is the name of the firm?

Hussey and Townshend.

5467. Is that beside the 80,000 *l.* odd that you receive yourself?

Entirely exclusive of it.

5468. £. 130,000?

£. 130,000, about.

5469. So that between you and your firm you receive something like 210,000 *l.* rental?

And my son receives the rental from 4,510 tenants in Connaught.

5470. What is the rental there?

£. 24,000.

5471. That comes to pretty nearly a quarter of a million, altogether?

Very nearly.

5472. Or rather more than a quarter of a million; is one of the properties for which you are agent Mr. Osborn's?

Yes.

5473. In Kerry?

Yes, in Kerry.

5474. How many acres are there in that property?

Two thousand five hundred statute acres.

5475. What is the rental of that?

The rental in 1840 was 2,376 *l.*

5476. What is it now?

It is now about 2,100 *l.*

(O.I.)

N

5477. How

22nd June 1882.]

Mr. HURSEY.

[Continued.]

5477. How has the reduction been made?
From time to time.

5478. By a voluntary reduction?
By voluntary reduction.

5479. And in 1840 it was 2,376 *l.*?

Yes. There was only one townland on it completely adjudicated on.

5480. I want to know about that; how many of the tenants have served notices upon that property?

I may say all.

5481. And has there been any adjudication; if so, at what sitting?
There was an adjudication at the last sitting of one townland on it.

5482. In June?
In June.

5483. Will you tell the Committee what was the result of that adjudication?
I produced the lease of 1828 to show that it was then leased at 305 *l.*

5484. The townland?

The townland. I produced the rental of 1840 to show that that rental was paid with only 3 *s.* 4 *d.* arrears. The rental, when about to be adjudicated upon, was 240 *l.*

5485. Reduced from 300 *l.* to 240 *l.*?

Yes, voluntarily reduced, and the Commissioners reduced it further to 212 *l.*, although the landlord had spent about 100 *l.* in embanking it.

5486. That was a reduction of how much?

Of very nearly one-third from the rental of 1840. The old rent was 305 *l.*, and they reduced it to 210 *l.*

5487. But the rent that they had to operate upon was 240 *l.*?

£. 240.

5488. I speak of that; the reduction from that was about 12 per cent.?

Twelve per cent. I do not know if it is relevant to add that; according to Government Returns published in Scotland, if that farm had been in Scotland the rents would have been now 457 *l.*, and if in England, 390 *l.*

5489. Earl of Pembroke and Montgomery.] How do you arrive at that calculation?

From the North British Agricultural Returns. In Scotland the rentals are published, the taxation being based on the rental, and the rise was 49 per cent. from 1840, and somewhere about 27 per cent. in England.

5490. *Chairman.*] Had any improvements been made by the tenants on that townland?

None that I knew of.

5491. Did you attend the hearing of the cases yourself?
Yes.

5492. Were any reasons given by the Commissioners?

No, they never give any reasons. The Chief Commissioner said that rent being paid for a very long time was no evidence that it was a fair rent. I submitted that when the same families were found on the farm it was.

5493. Another estate for which you are agent is Sir Edward Denny's, is it not?

Yes.

5494. Where is that?
Near the town of Tralee.

5495. Have any cases been heard on that estate?
A few.

5496. What

22nd June 1882.]

Mr. HUSSET.

[Continued.]

5496. What has been the result?

The invariable result in all estates is a reduction.

5497. Just tell me what it has been?

There was one case in which the rental, going back to 1832, was 30*l.* 10*s.*, and it was the same rent when the Sub-Commissioners heard the case. The landlord's valuator swore to the existing rent of 30*l.* 10*s.* being fair; the tenant's valuator swore to 22*l.* being fair, on account of the way the farm was depreciated in value. The Sub-Commissioners fixed the rent at 27*l.* The landlord appealed against that, and the Head Commissioners reduced it to 21*l.* 10*s.*, which was less than the tenant's own valuator put it at.

5498. On the landlord's appeal?

On the landlord's appeal.

5499. Did they give any reasons for that?

No.

5500. Did they inspect the holding themselves, or did their valuator?

They sent a valuator, I believe. I know they did.

5501. Had you his report before you?

No.

5502. It might have been produced?

It might have been produced if we had asked for it, but I did not see it.

5503. You did not ask for it?

I did not.

5504. Marquess of Abercorn.] Was the valuator Mr. Gray?

I think it was Mr. Murray.

5505. Chairman.] Were there any other cases on Sir Edward Denny's estate?

There were a good many other cases, all culminating in reduction, but that is a typical case to which I allude.

5506. Were there appeals in the other cases, or only in this one?

There were appeals in the other cases.

5507. Were they confirmed?

The rent fixed by the Sub-Commissioners was allowed to stand as it was.

5508. Have you got the particulars of the other cases before you?

No.

5509. You have not got them?

No, I have not got them; there were not very many.

5510. What did you find, in your part of the country, was the expense of the proceedings in these cases?

Is it to the landlord or to the tenant that your Lordship refers?

5511. To both?

The tenant's expense is not much, because they value for each other. As regards the landlord, there is such a system of intimidation of valutors, that you must pay very high.

5512. Before you leave the tenants; you say their expense is not much; how much do you suppose?

They have no expense of valutors, for they value for each other.

5513. I suppose they have a lawyer, or agent?

If they employ a solicitor, I suppose it is only in round numbers, 5*l.* When they employ a counsel, it ranges from 7*l.* to 10*l.*

5514. For each case?

For each case.

(O.I.)

N 2

5515. Then,

22nd June 1882.]

Mr. HUSSEY.

[*Continued.*]

5515. Then, with regard to the landlord, what do his expenses amount to?
The expenses of the landlord will be at least double that.

5516. What is the reason of the difference of the expense?

Because the landlord has to pay a valuator from three to five guineas a day, and he may be occupied there three or four days waiting for a case to be heard.

5517. Does he pay him that for each case, or for the day?
For the day.

5518. So that if three or four cases were decided in one day he would be paid just as for the day?

He would be paid just as for the day.

5519. Lord *Tyrene*.] Would not he have to be paid for the separate valuations of the farm?

Yes, he would have to be paid for the separate valuations of the farms.

5520. *Chairman*.] Besides?

Yes. I will give one instance; I brought a valuator 30 miles to prove the value of some farms; he took a day going, a day coming back, and five days there; that was 20 guineas, and there was not a single case heard.

5521. You paid him that for his valuation beforehand?

For his valuation, and for his attendance, waiting to have the cases heard.

5522. I do not quite understand what you mean. Before the case comes on for hearing the valuator has to attend at the farm, and acquaint himself with it, and with the value of it?

Yes.

5523. What is he paid for that?

All I paid him for that was three guineas.

5524. Three guineas for travelling and all?

No, three guineas for his time.

5525. And his travelling expenses?

And his travelling expenses, which were about a guinea, making four guineas altogether.

5526. Lord *Tyrene*.] Was that for each farm?

No, a group of farms.

5526*. *Chairman*.] When the case comes on for hearing, he is paid his travelling expenses?

Yes, to the sessions, and for attending the sessions.

5527. How much a day does he get?

Three guineas.

5528. Can you state what would be anything like the average expenditure in each case to the landlord; I do not mean taking a particular case, but taking them all round, at what would you put the average?

I think they would cost him, on the average, nearly 20 l. Of course if they were all heard on the day appointed it would not be so much as that.

5529. In the properties that you are acquainted with, have the reductions gone below what is called Griffith's valuation, or not?

They have not gone below, but Kerry is the lowest valued county in Ireland.

5530. On Griffith's valuation?

On Griffith's valuation.

5531. So that as a standard, whatever it may be elsewhere, you would not put it as a guide there?

It is wholly useless.

5532. Lord

22nd June 1882.]

Mr. HUSSEY.

[Continued.]

5532. Lord Tyrone.] Have you known of land fairly let at a very large percentage above Griffith's valuation in Kerry?

I have known land fairly let at double Griffith's valuation in Kerry, and I have known lands too dear at a third of that valuation.

5533. Chairman.] To go back for a moment to that case in which you say the rent was so much reduced by the head Commissioners, how do you account for that great reduction?

It appears to me that when you depart from the principle of the value of land being what it will bring, there is a great deal of capriciousness about it.

5534. That does not very well account for it. I said how do you account for it; is your only way to account for it by caprice?

By caprice. Every man forms a different opinion of the value of land; how can a man in the east going down to the west where climate, soil, markets, farming and everything is different, judge of the value of that land in a few hours?

5535. Who was the valuator that the head Commissioner sent down?

Mr. Murray.

5536. Is not he a man of experience and skill?

Not on the west coast of Ireland; I believe he was never on the land before.

5537. Is it your opinion that there cannot be a valuation of a farm on the west coast, except by a local valuator acquainted with the west?

It is very difficult for him to do it. After he had been there some months at work he would be able to do it, but certainly in the first case that he had he would make great mistakes.

5538. Lord Tyrone.] If this valuation was so important as you appear to think it was, may I ask why you did not ask to see it?

I did not happen to be there; in fact, I was not there at the time.

5539. Chairman.] Who represented you?

My solicitor, and he did not ask for it.

5540. Did not he ask for it?

No, he did not.

5541. Then, for aught you know, Mr. Murray's valuation may have been a higher one than the rent fixed?

The Commissioners said that that was the Court valuation.

5542. Lord Tyrone.] The valuation placed upon the land by the Court, but not by Mr. Murray?

By Mr. Murray, and by the Court.

5543. I believe they vary it; they do not always adhere to the valuation of their own valuers?

Not always, but generally they do. It is a great grievance in many cases that the Court valuer does not give notice to the landlord when he is going there, and then he has only the tenant's side of the story to hear.

5544. I thought there were a great number of cases that I have seen returned, in which the Chief Commissioners valued the rents very much below what their own valuers had put upon them?

Yes, I have known instances of that.

5545. Therefore you cannot tell, in this instance, whether Mr. Murray put a higher rent on or not?

I happen to know that he did, for the Court said that it was his valuation.

5546. Chairman.] If they said that it was his valuation, possibly that may have accounted for your agent not asking to see it?

Yes, he could not gain very much by seeing it.

(O.I.)

N 3

5547. Was

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Mr. HUSSEY.

[Continued.]

5547. Was there any question of improvements on that holding?
None.

5548. You did not mention what the acreage was; what was the size of the holding?

Forty-eight English acres. That is the very case, printed, and there is the other case about my own property, also printed. (*Handing in documents.*)

5549. Lord *Tyrene*.] What is your opinion of the effect of the Land Act upon the country?

Most disastrous. It is upsetting the relations between landlord and tenant, and all the produce of the soil is going in law.

5550. Have you noticed any intimidation of witnesses before these courts?

In the case of Lord Headley's estate, I wrote to a man who valued it some years before, and I asked him to appear for me, and he writes: "I beg to thank you for your very kind and remunerative offer, but from the present disturbed state of the country, I would not consider my position a safe one while acting on the unpopular side." And also I may mention on Mr. Osborne's estate, of which I gave evidence here, one witness refused to come up for me, because he had his farm in meadow, and he said they told him that he would not be allowed to sell any of the hay if he gave evidence.

5551. Have you found that landlords' valuers are difficult to get?

They are very hard to get; it is almost impossible to get them, except at a very large price.

5552. Has the intimation anything to do with that?

It must have something to do with it, I should say.

5553. And when you have got valuers which I suppose you have employed upon the different estates for which you are agent, have you found that their valuations are very often far below what their valuation would have been a couple of years ago?

Invariably so.

5554. How do you account for that?

They wish to stand well with the Sub-Commissioners, I think.

5555. Therefore you would infer that they ignore the interests of their clients?

To a great extent.

5556. Lord *Kew*.] How do you know what their valuation would have been two years ago?

By having had some of them to value for me.

5557. Lord *Tyrene*.] I understand you to say, they do at the present time put a lower valuation on the land than what would be a fair valuation?

Yes, that is my opinion.

5558. Is that owing to the fact that they have no guide at all, and the fact that the competition for land is done away with?

It is done away with, and there is no guide.

5559. Are they now taking the judicial rents as a guide?

Yes, generally, I think.

5560. Lord *Brabourne*.] The fact is, that when you eliminate the element of competition, you really have yourself to be tossed about upon a sea of doubts, and a number of various individual opinions, with no real rule as to what the value of land may be; is not that so?

Precisely so.

5561. Marquess of *Abercorn*.] Do you find that very little attention is paid to the landlords' valuations by the Commissioners?

I cannot say, as they give no reasons.

5562. Lord

22nd June 1882.]

Mr. HUSSEY.

[Continued.]

5562. Lord Tyrone.] What effect do you think these reductions are likely to have upon many estates that you are acquainted with?

It means ruin to almost every encumbered estate in Ireland. I will give you one case. There is a gentleman who had his money at $4\frac{1}{2}$ per cent. interest. The mortgagee increased it to 5 per cent., because he could not be paid as well as usual, and the Commissioners reduced one rent from 25 *l.* to 14 *l.*, that is, practically speaking, sweeping away the entire margin. I will give another case of a gentleman in the county of Kerry; his rental was 1,200 *l.* a year; there was a head rent of 100 *l.*; there was tithe of 80 *l.*; there was a jointure of 120 *l.*; and that and the taxes and management made up the outgoings to 400 *l.* a year. He owed 8,000 *l.*, which was another 400 *l.* a year. The Commissioners reduced his rent one-third, which was a third 400 *l.* a year.

5563. Therefore that left him without anything?

Without anything.

5564. Earl of Pembroke and Montgomery.] What has happened to him now? He is living with his mother, who fortunately has something in England.

5565. Lord Tyrone.] From your experience of Irish estates, are you of opinion that they are heavily charged as a rule?

Very heavily charged.

5566. And therefore if these reductions go on you anticipate that a large number of landlords will be absolutely left without a shilling in the world?

Unless the Government step in by loans to landlords, according to a scheme I proposed, or by facilitating sales to tenants on a very large scale, almost every encumbered proprietor in Ireland will be ruined.

5567. Do you think there is any probability of any sales of land taking place, unless something is done by the Government to increase the powers of working the Bright clauses?

None; no tenant but a lunatic would buy under the present terms.

5568. Therefore you look upon it that they are an absolutely dead letter?

Certainly.

5569. How, under those circumstances, are these men whom you anticipate will be ruined to get out of their difficulty?

They cannot get out of it; it is an impossibility.

5570. Then, what do you think will happen?

They will all be ruined.

5571. What will happen to their property?

After a certain number of years elapse the mortgagees will sell, I suppose, to the tenants at their own rate; that is half the present value perhaps.

5572. Then the mortgagees will have a heavy loss?

The mortgagees will have a heavy loss, and the landlord will lose all. The judicial rents in many cases will be harder to get than before, because the Act of 1881 destroyed the principal remedy which you had for recovering your rents.

5573. Chairman.] How is that?

They prohibited ejectments in the Superior Court except at a cost of about 30 *l.*

5574. The Act of 1881?

Yes.

5575. How is that prohibited, by the Act of 1881?

It is so. There are no ejectments through the Superior Court except where the rent is 100 *l.* a year, and that only applies to one-thirtieth of the tenants in Ireland.

5576. Just let me understand a little more about that. You can have an ejectment in the county court?

Yes, but the county court sessions are only held four times a year, and that causes great delay.

(O.I.)

N 4

5577. So

22nd June 1882.]

Mr. HUSSEY.

[Continued.]

5577. So that it is the delay that is the difficulty?

It is the delay that is the difficulty. It is a great difficulty in the way, and besides, the costs are so small there that if you bring an ejectment in the Quarter Sessions Court it will cost you 30 s. for the taxed fees of the attorney, but the tenant is only bound to pay 10 s. of that, so that for every ejectment you bring in the Quarter Sessions Court you lose 1 l.

5578. Lord *Tyborne*.] If you bring an ejectment in the Superior Court you lose everything?

Everything.

5579. What is the limit?

£. 100 a year.

5580. Under 100 l.?

Under 100 l. a year.

5581. Lord *Brabourne*.] The charges of which you speak on those estates were imposed at a time when the landlord was able to make use of competition to get a higher rent from his tenant for them, were they not?

Yes.

5582. What I understand to be your complaint upon this head is this, that while legislation has diminished the security of the investment, it has done nothing to relieve the estate from the charges, but left the charges untouched?

Nothing.

5583. That, in one sentence, is what you complain of now?

Yes. Will you allow me to give you one case in point. An uncle of mine had an estate of 2,200 l. a year; he charged a jointure of 400 l. a year on it, and his son charged a jointure of 400 l. a year on it; the two jointures of 800 l. a year subsist; the rental is now voluntarily reduced to 1,750 l., and the Commissioners will cut it down about 400 l. a year more.

5584. How do you know that?

By the few cases that have been decided. Then the two jointures remain the same, and the whole loss is taken out of the unfortunate owner.

5585. In an English settlement very often there is a provision that there cannot be more than a certain amount charged; but that is not so in Ireland is it?

No.

5586. Lord *Tyborne*.] Have you known cases where a man has left his property divided amongst his children, giving his eldest children the land, to pay the charges of the younger children out of it?

The general cases in Ireland are in that way; it is invariably the case.

5587. And these charges have been placed upon the estate, calculating on the old rentals?

Calculating on the old rentals.

5588. Therefore it would seem fair, if the rental is to be reduced, that the charges should be reduced also?

Of course.

5589. Have you noticed the decisions that have been given by the Sub-Commissioners lately in Ireland?

Yes.

5590. Do you think from your knowledge of the previous decisions that they are decreasing or increasing?

In amount?

5591. The reductions?

In my county the reductions have considerably increased lately.

5592. Lord *Brabourne*.] Upon the same class of land, would you say?

On the same class of land and on the same estates.

5593. Earl

22nd June 1882.]

Mr. HUSSEY.

[Continued.]

5593. *Earl of Pembroke and Montgomery.*] You said that you had some suggestions to make about dealing with these encumbered estates in which the landlord's margin is entirely eaten up?

Yes.

5594. What is your suggestion?

I propose that the State should lend the money at $4\frac{1}{2}$ per cent. to the landlord to clear off his mortgages; $3\frac{1}{2}$ per cent. to be the interest and 1 per cent. to be a sinking fund. I shall be happy to give you the details if you wish.

5595. *Chairman.*] Perhaps you will explain your idea, so that it may be more easily followed?

I have said that the State should lend the money at $4\frac{1}{2}$ per cent., $3\frac{1}{2}$ to be the interest, and 1 per cent. to be a sinking fund for the term of 15 years. If the landlord could not then sell to his tenants I would propose that the charge should remain, and it would work out in this way: if a man owed 10,000 *l.* he would pay 450 *l.* a year for 15 years. At the end of the 15 years his debt would be only 8,000 *l.*; if he still kept paying the 450 *l.* his debt at the end of another 15 years would only be 4,000 *l.*, and thus by degrees you would get rid of the most undesirable class of society in Ireland, that is to say, heavily encumbered Irish proprietors, who cannot deal with their estates.

5596. *Earl of Pembroke and Montgomery.*] When a man's estate is in the way you describe, with his income entirely eaten up, I do not see how he is to repay on land of that sort; how is he to repay at all?

In the first place, the gentleman I spoke of is paying 5 per cent. at present, and if he got it at $4\frac{1}{2}$ per cent. it would be a substantial reduction.

5597. *Lord Kew.*] What is the usual rate of interest; $4\frac{1}{2}$ per cent.?

Four and a-quarter per cent. it used to be in Ireland. The money is not to be got now at all; no man will lend on Irish property.

5598. I mean existing mortgages?

Four and a-quarter and $4\frac{1}{2}$ per cent. and some 5 per cent.

5599. *Chairman.*] Increasing to 5 per cent. if the money is not paid within 30 days?

Yes.

5600. And 6 per cent. if not paid within a further period?

Six per cent. if not paid within a further period.

5601. *Earl of Pembroke and Montgomery.*] Your view is that the difference between $3\frac{1}{2}$ per cent. and $4\frac{1}{2}$ per cent. would enable the landlord to live and pay his debt?

Yes, it would be reduced; it would be reducing every day, and he would save an enormous bill of costs, which he has to incur now and again in consequence of people threatening to call in the money and trying to raise it from other people. I will give you one instance connected with an Irish landlord. I was left a charge of 3,000 *l.* on a fee-simple property of 600 *l.* a year; it was a Landed Estates Court title, and it was leased to tenants. I was called upon to divide that money, and I hawked the security all over Cork and Dublin, and could get nobody to lend me money to take it up at 5 or 6 per cent.

5602. *Chairman.*] When was that?

Within the last few weeks. Within the last week I made another application.

5603. What was the security?

£. 600 a year fee-simple property, with the Landed Estates Court title.

5604. How much money was wanted on it?

£. 3,000.

5605. For a fee simple of 600 *l.* a year?

£. 600 a year clear, except the tithe rent-charge.

(O.I.)

U

5606. Lord

22nd June 1882.]

Mr. HUSSEY.

[Continued.]

5606. *Lord Tyrone.*] For what could you have got the money upon that property two or three years ago?

Four and a quarter per cent.

5607. *Lord Brabourne.*] On the estates you have been giving evidence upon how do the tenants stand with regard to arrears?

The arrears are not very heavy in the south.

5608. When you say they are not very heavy, do you mean that they are of one, two, or three years' standing in many instances, or not so much?

Certainly not two on the average in my dealing; in Connaught, I think, they average three years' rental.

5609. In your district, do the arrears operate, do you think, to prevent a settlement between landlord and tenant in many instances?

No, I do not think they do.

5610. In fact it is not a part of the question, that has not come particularly under your notice as affecting the operation of the land courts?

The only operation of the Arrears Bill is, that it has stopped all payment of rents at present.

5611. I do not want to discuss the Bill?

I do not think the Land Act has any effect upon it in my county.

5612. *Chairman.*] It has had the effect of stopping the payment of rents altogether, you say?

The Arrears Bill has.

5613. Do you mean to say in your large experience of rental in the south that rents are less paid now than they were some months ago?

Oh, yes; there is a complete stoppage.

5614. *Lord Brabourne.*] What I understand you to mean (correct me if I am wrong) is this, that the prospect of Parliament dealing with the subject of arrears has had that effect?

Exactly; the tenants do not know their ground; they do not know what is to be paid and what is not.

5615. *Chairman.*] And they run the risk of eviction rather than pay the rents?

In fact they force evictions upon you, because when no tenant is paying on the property, you have the charges to meet, and you must proceed. If a few tenants were paying, you could indulge the others.

5616. *Lord Brabourne.*] I suppose they think if arrears of rent are likely to be forgiven that a man would not be acting a prudent part in paying his rent, but would he doing so rather in letting the arrears accrue?

Of course.

5617. *Lord Tyrone.*] Do you find that that is the same with tenants above 30 *l.* value, as under 30 *l.* value?

Not quite so much, but I know that the tenants above 30 *l.* value hope to have it extended to them, and believe that it will be extended.

5618. *Earl of Pembroke and Montgomery.*] A tenant who had paid his rent up to the present time would get no advantage whatever out of the proposed Bill by refusing to pay rent now?

None; but they do not see that. It is all uncertain. They do not know how the Arrears Bill will come out. They know that an Arrears Bill is brought in, and they do not know how it will be when it comes out.

5619. *Lord Brabourne.*] I suppose they think that if past arrears will be forgiven, there is a possibility of future arrears being also forgiven?

They think the money should be paid for them. At some of their meetings it was said that all the arrears ought to be thrown off, and that Government should give money to stock their farms.

5620. *Lord*

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Mr. HUSSEY.

[Continued.]

5620. Lord *Kenny*.] You spoke about rents in the year 1840; do you think, as a rule, that rents that were fair in 1840 would be fair rents now?

In butter districts certainly, because butter is double the price now that it was then.

5621. They would not be fair universally, you think?

Not in wheat country, certainly.

5622. In wheat-growing country the land would be deteriorated, naturally?

And the prices much lower.

5623. Were those parts, as to which you mentioned the fact of their not having been increased since 1840, butter country?

All Kerry is butter country, and this place essentially so.

5624. Duke of *Somerset*.] Would the tenants at present buy the land?

No.

5625. You said, when you were speaking of the land that you bought, that they did offer a certain sum for it?

Yes.

5626. Would they buy it now?

No.

5627. They would not buy it?

No; they say they will get their rents cut down one-third, and, to use their own words, "they would be talking to me then."

5628. Then under the present law will a landlord improve any property?

Certainly not, unless he is a lunatic.

5629. Then will the tenants improve it?

Certainly not; they have an interest in running it down until their case is adjudicated upon. In fact, I have known many instances of tenants stopping up the drains on their farms.

5630. Lord *Tyrene*.] Preparatory to going into Court?

Preparatory to going into Court.

5631. Have you had many cases of deterioration of the land?

A great many.

5632. In those cases that have come before the Court, have you met with any, where the tenant has deteriorated the land?

Yes.

5633. Did the Sub-Commissioners seem to think that they must reduce the rent in consequence of the deterioration?

Yes, they said they valued the land as they found it.

5634. Did you give evidence of deterioration?

Yes.

5635. They did not take any notice of that?

In the case that I have quoted the tenant's own valuer admitted deterioration, and the Sub-Commissioners reduced it from 32 *l.* to 27 *l.*, and the Head Commissioners from 27 *l.* to 21 *l.*

5636. Did you produce the proof of deterioration before the Head Commissioners?

No, but they had notes of the evidence, I presume. The landlord's valuator proved it, but the tenant's valuator only proved it before the Sub-Commission. On the question of tenants' valuations will you allow me to give you one case. In the case of Sir George Coulthurst's estate one tenant's valuator swore that the tenant had spent in improvement 395 *l.*, and that the farm after all those improvements was worth only 4 *l.* 16 *s.* a year.

(O.I.)

O 2

5637. Lord

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Mr. HUSSEY.

[Continued.]

5637. Lord Brabourne.] Then in that instance did they allow the improvements in considering the rent?

I do not know whether they did. I believe they let the rent stand as it was.

5638. Something above 4 l. 16 s.?

2. 8 was the rent, and the man swore that he spent 395 l. in improving the 6 l. a year land, and that then it was only worth 4 l. 16 s.

5639. Duke of Somerset.] You have told us just now that you propose that the Government should lend money at $4\frac{1}{2}$ per cent.?

Four-and-a-quarter per cent.

5640. Wherever the estates were encumbered.

Wherever the estates were encumbered.

5641. What would that be all through Ireland? Have you taken into consideration what amount it would come to?

It would come to a very large sum, but it might be checked in many ways. In the first place, I would not ask the Government to lend any money where the mortgagee was willing to leave all his money at 4 per cent., nor would I ask the Government to lend any money where the tenants were prepared to purchase at a reasonable sum, and that perhaps would take down more than half. I do not think it would be fair to mortgagees to throw the money on their hands, if they were willing to take a moderate rate of interest.

5642. Chairman.] But one of your checks would hardly be any check at all, because if the tenant were to purchase, the Government would have to provide the money in another form?

That is an admitted principle. The Government have announced that they will do that already.

5643. Therefore your only check would be, if the mortgagee was willing to continue his money?

At 4 per cent.

5644. No mortgagee would be willing to continue at 4 per cent., would he?

If it was paid in 21 days after it fell due, I think he would.

5645. Can you give an instance at this moment?

No person will lend or re-lend money now, but I do not think the mortgagees would be prepared to take their money in *glóbo*, and invest it somewhere else. At present there would be no more loans.

5646. At present they have their mortgages up to $4\frac{1}{2}$ or $4\frac{1}{4}$ per cent., if paid within 21 days?

Yes, because they are masters of the situation, but they would not be masters of the situation if the Government stepped in.

5647. Would not they be masters of the situation if they were to have their choice either to continue the money at 4 per cent. or to require their money, in which case the Government would have to lend it according to your scheme?

They would, but they would not be masters of the situation to allow them to enforce 5 or 6 per cent., which is what we complain of; then there are the expenses of the Land Commission, and I would not propose that this should come into play until the landlords had arranged with their tenants. The Commission is now going on at a cost, I think, to the Government, of about 10 l. a case, and there are 400,000 cases to be heard, and I think that amounts to 4,000,000 l.

5648. How do you reckon that it costs the Government 10 l. a case?

The number of cases heard up to the present time, according to the Blue Book, is 4,056, and the Commission certainly costs over 2,000 l. a week.

5649. Then if the pace was accelerated, it would, of course, cost less?

It would cost less. Then of course the tenants and the landlords would have an interest in settling also; the landlords would get rid of the enormous costs of the court, and the tenant would get rid of the costs of the court; and if the landlord

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[Continued.]

landlord could do this without ruin to himself, the thing might go on smoothly, and he might do it if he got loans.

5650. Were you able to estimate any figure at which you would put the amount of encumbrances and charges that under your scheme might possibly have to be considered?

I think 30,000,000 £. or 40,000,000 £.

5651. What is the rental of land in Ireland?

About 14,000,000 £.

5652. That would only be about three years' rental?

I calculate they hold more than six years' rental; and the checks I propose would reduce it down to one-half. I have seen it stated that the Land Commission will have done its work in 1883. My experience of Kerry is that my cases will not be disposed of for 25 years. I have 2,500 to come on, and giving me my fair proportion of the cases heard, they will not come on at the rate of more than 100 a year.

5653. Lord *Brabourne*.] At the conclusion of the 25 years, the whole mischief you apprehend will have about been worked; the country will have been ruined by that time; it will take about that time to do it, will it not?

I should think it would be far before then; but if not, it will take about 25 years for the settlement of my cases. Settlements are out of the question, because in several of the properties I represent, settlements upon the basis laid down by the Sub-commissioners, would leave the landlords nothing.

5645. Lord *Tyrene*.] If the cases now pending would take 25 years, have you calculated that all of those cases will arise again in 15 years?

Yes, I am aware of that.

5655. Did you calculate that?

No, I did not. I want to give another case of reduction of rent. The rent in 1802 was 150 £. a year.

5656. *Chairman*.] What property was this case on?

Lord *Headley's*.

5657. What was the acreage of it?

I think about 90 acres.

5658. And what was the rental?

The rental was 150 £.; and it was 150 £. last June.

5659. When did you say it began at 150 £.?

In 1802.

5660. And continued until when?

It continued until last May, and it is now reduced to 125 £.

5661. Lord *Tyrene*.] Have you appealed in that case?

I have; but it is not much use, I fear.

5662. Marquess of *Abercorn*.] Do you not think that if the Commissioners gave reasons for their decisions, it would be far easier to make arrangements with the tenants, without going into court?

Certainly it would.

5663. Earl of *Pembroke and Montgomery*.] But your main reason for not making settlements out of court is that the reductions are so large that it would ruin some of the landlords whose estates you administer?

It would ruin some of the landlords whose estates I administer. You could argue with the tenants and see what that would do if you knew upon what conclusions the value was fixed. I have here a copy of the conveyance of my estate in the Landed Estates Court; and there is my plan for the reduction of the mortgage. Of course you will understand I can give several cases of reduction on property bought in the Landed Estates Court. I would wish to give one case, that of a Mr. Raycroft, in Macroom.

(O.I.)

O 3

5664. *Chairman*.]

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Mr. HUSSEY.

[Continued.]

5664. *Chairman.*] Is this a case of land purchased in the Landed Estates Court?

Yes.

5665. Is it one of the properties you are agent for?

No, but I know it of my own knowledge. He purchased it for 8,000 *l.* in the year 1872. The advertisement set forth that the tenants were very prosperous, thriving, and punctual.

5666. *Marquess of Salisbury.*] Is that an advertisement under the authority of the Court?

An advertisement under the authority of the Court. The Commissioners took down the rent about one-third, leaving the tithe rent-charge and other charges as they stood, which practically reduces this man's income 50 per cent. He was a shopkeeper who made his money in the town of Macroom; and now, in his old age, he must go back to his business again.

5667. *Lord Brabourne.*] He made the investment on the good faith of the British Government?

On the good faith of the British Government, as I did myself.

5668. *Lord Tyrone.*] He could not have had all his cases tried?

He had two sittings, and he has had most of them tried.

5669. Therefore, he knows the worst.

He knows the worst.

5670. *Marquess of Salisbury.*] Has he appealed?

I think not. In my own case I bought property as I made the money from year to year; and I bought about 50,000 *l.* worth of property in the Landed Estates Court on the faith of British security and a British title, and now it is to be swept away from me in my old age.

5671. What is the class of persons generally who have purchased in the Landed Estates Court in recent years; do they come from England or from Ireland?

From Ireland generally.

5672. They are generally people who have made the money by their own exertions?

Those who have made the money by their own exertions, as I did myself. I was a younger son, and I saved money from time to time.

5673. From what you know, should you say that is the general character of the class?

That is the general character of the class.

5674. *Lord Tyrone.*] Shopkeepers have bought a good deal of land, have they not?

Shopkeepers, as a general rule, have bought land.

5675. *Marquess of Salisbury.*] I suppose it will make people rather shy of buying things on the security of the Government for the future?

If I were to live 100 years, I would never invest a shilling in it again. There was one case where the rent was reduced from 25 *l.* to 14 *l.*, in which the advertisement set out that those lands were capable of an increased rent.

5676. Have you no other case that occurred to you that you desire to bring forward?

I could give hundreds of cases under the Land Estates Court Act, but they are nearly all the same.

5677. There are none, you think, particularly deserving of the attention of the Committee?

It is the same all through. All the Landed Estates Court titles have been dealt with in the same way, in round numbers, cutting down 25 per cent. on the gross income, which means one-third on the net income.

5678. And

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[Continued.]

5678. And very often more than one-third on the actual income taken by the purchaser?

If there is any money borrowed on it, it may be one-half, and only leave one-third, and with greater difficulties of recovering the balance than it had before; so that, to put it shortly, the Land Act means to the people who have purchased in the Landed Estates Court confiscation of the greater portion of their money.

The Witness is directed to withdraw.

Mr. ARTHUR FITZMAURICE, is called in; and Examined, as follows:

5679. *Chairman.*] You are a magistrate for the county of Carlow, and you have been acting as agent over several estates in Ireland, I believe?

Yes.

5680. How many estates?

At present I am agent for 22 properties.

5681. Twenty-two different proprietors?

Yes.

5682. In different counties?

In ten counties of Ireland.

5683. In the south or west?

Chiefly in the south; only one in the north, county Monaghan.

5684. Have you yourself been farming land?

I have.

5685. To what extent?

About 500 acres.

5686. On the estates for which you are agent, have you had many originating notices under the Land Act?

About 75, and one proprietor has had three or four served on himself; between 75 and 80.

5687. *Lord Brabourne.*] On the whole, 22 estates.

Yes, on the whole, 22 estates.

5688. *Chairman.*] How many of those have been heard?

I think about 20; not more than 20, I should say.

5689. And the other tenants, perhaps, are waiting to see the result of those cases?

No, I think they would be very glad if all their cases were heard, but the Commissioners have not had time to come round, and hear the whole of them. There are some pending at the present time that have not been listed.

5690. Do you anticipate that other tenants will serve notices also?

Yes, numbers speak of doing so. In fact, it is almost impossible to satisfy them except through the Court.

5691. Are you agent for Captain Newton's estate in county Carlow?

Yes; and Mr. Philip Newton also.

5692. What is the number of tenants on that estate?

There are about 120 holdings.

5693. And is the rental 1,668 £?

That is it.

(O.I.)

O 4

5694. What

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Mr. FITZMAURICE.

[Continued.]

5694. What would you put the average size of the holdings at?

There are some of them very small, some of them as low as 10s. a year, and there are only two or three tolerably large ones. There is one 80l., and another of 100l. a year, and in fact I suppose they scarcely average more than about 10l. a piece.

5695. How many cases, with regard to the estate, have been heard by the Land Commission?

Twelve.

5696. Have you got a note of what was the rental of the twelve cases?

I have.

5697. How much was it?

£. 334. 17 s. 5 d.

5698. And what has the reduction brought it to

To 234 l. 10 s.

5699. That is at the rate of how much per cent?

It averages 30 per cent. Some of them are as high as 40 per cent., others down to 17; but it is 30 per cent on the whole average.

5700. How long has that estate been in Captain Newton's family?

For three generations; about 1805 his grandfather had it.

5701. Has part of it during that time been on lease?

Yes, a good portion of it.

5702. I mean, not to the occupying tenant, but to middle-men?

Yes; some portion of it has been. There are two or three portions of the estate which have been in the hands of middle-men?

5703. When did the middle-men's lease expire in reference to these cases?

I presume you ask me as to those listed and heard.

5704. Yes?

It expired in 1864.

5705. Was there a readjustment of the rent of that particular portion when the middle-men's lease expired?

Yes. They had it in patches, up and down in different parts, and in detached portions. They did not know exactly how they would be treated by the late Mr. Newton, and they withheld making any improvements on the place very much; and I then spent two or three days down there, and as far as I possibly could, I put all their lands together for each man to have his holding, so that the lands of each holding would be adjoining, and not crossing each other.

5706. Was any complaint made about the rents before the present agitation began?

No, not the slightest as to the value of the land, except in the year 1879, which was a very disastrous year, and they all complained and asked for a reduction of 15 per cent. in consequence of that, for one year. 1877 and 1878 were both unfavourable years, but 1879 was very unfortunate.

5707. What was the amount of the reduction in 1879?

They got 15 per cent.

5708. That was just for the year?

Just for the year, in the year 1880.

5709. Have there been any evictions, in your experience, on that property?

No, none whatever. I should say there are one or two cases where ejectments were served, and they were not proceeded with. The tenants were not dispossessed.

5710. They were served in order to recover the rent?

Yes.

5711. Lord

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Mr. FITZMAURICE.

[Continued.]

5711. Lord *Brabourne*.] Are any of those cases under appeal?
All those 12 cases I spoke of are. I have a list here; they are all under appeal.

5712. Did the Sub-Commissioners in those cases view the land themselves?
No, they did not view the land. I should have told you, with regard to that, what really occurred. Captain Newton and I, of course, went with them the day they visited those holdings, and remained with them off and on up to the lunch hour. At the lunch hour we took leave of them; we saw that it was going to be a very wet evening. At that time they had visited four farms, which contained 178 acres, leaving 398 acres to be visited after luncheon.

5713. *Chairman*.] When did this take place; in what month?
On the 1st of April last. I then wrote down to the rent warner of the estate to know what course the Commissioners took after luncheon. He wrote to me, and I have his letter here giving a description of it.

5714. Who is this from?
From the rent warner of the estate.

5715. The bailiff?
Yes; they are generally called rent warners in Ireland.

5716. Did you leave the Commissioners at that time?
We left them at two o'clock; then they went to their luncheon, and I came home. It rained the whole way home, about 19 miles, and I felt they could do nothing afterwards.

5717. Did you understand that they would proceed with their valuation?
I understood that they would, and they did. They visited one farm afterwards, and went up the hill, intending to visit the others, and they did arrive at the top of the hill up to the common's ditch, and they came across (according to the statement of that letter), down to where their carriage was about a mile from there, and one of them took shelter under some fence or a bushy place along with the rent warner, and the other two went on; but the fact is that there were 398 acres which they were supposed to visit after luncheon; and on Monday morning, before the Chairman came into court to announce the decision, I said to the registrar, Mr. Moiston, "I suppose you will have to adjourn those cases." "Oh, no," he said, "the Commissioners are going to give judgment." "Is it possible?" said I; "you had a very wet evening; it rained on me all the way to Carlow." He said, "They are going to give judgment," and I was very much astonished.

5718. I understood you to say that you left, knowing that they were going to proceed with their work?

Yes; we had no business there; we could not interfere in any shape or way; we were merely paying them the compliment of meeting them there, and at two o'clock we left them, and went to luncheon.

5719. Did you protest against their proceeding with the valuation that day?

Not in the slightest; we had no communication with them whatever about it.

5720. But is it impossible to continue a valuation because it rains?
Yes, because it rained very heavily, and no man could well stand out through that rain. It was a very heavy rain, and turned out a very inclement day; of course, if they chose to be wet through they could do it, but it would be doing it under great disadvantages, and it would be utterly impossible for them to value. When they did their utmost, they got on very quickly, and they did their utmost when they valued 178 acres on one day belonging to Captain Newton.

5721. They had heard evidence in Court about it before, I suppose?
Yes.

(O.I.)

P

5722. They

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Mr. FITZMAURICE.

[Continued.]

5722. They had heard the valuation put in on both sides?
Yes, by the tenants and myself.

5723. And on your part?
Yes.

5724. Had you professional valuers employed?

Not on that occasion before them. I had a professional valuator before that, and he was four days in Court at the first sitting in January. I had to pay him eight guineas.

5725. I am speaking now of these cases which you are referring to particularly. Had you any valuer to speak to their value?

Not a professional valuer. I found that it was very little use having a professional valuer.

5726. Who was it that spoke to the value?

I told them my belief of it, and that the rents had not been complained of.

5727. I suppose you were able to speak as well as the valuer?

I should think so. I have been 42 years on my own account dealing with tenants and land.

5728. So that they had your evidence or opinion?

They had my evidence that I thought the rents fair and reasonable, that they had been paid, that no complaints had been made of the rent except in one case, and that was as to a piece of bog on which Captain Newton had laid out 280*l.* in drainage, and 18*l.* a year was added to rent of the holding as a charge for it. The tenant thought he was paying too much, and I told him we were willing to reduce it to 14*l.*, for some of the drains had not worked as well as they ought to do; they filled up, in fact.

5729. What was the evidence on the other side?

The tenants' own ideas of what they ought to pay.

5730. The tenant's own idea?

The tenant's own idea, and the ideas of two or three neighbouring farmers.

5731. Lord *Brabourne*.] Did you see any perceptible difference in the land before lunch, and that valued after the lunch?

No, I did not. I have no idea of that.

5732. *Chairman*.] Did they take a more unfavourable view after lunch?

I do not think their lunch had very much effect on them.

5733. Lord *Brabourne*.] The land would not appear to advantage in a heavy rain?

Certainly not; it is a hilly country with rocks and stones in a great portion of it; that is, comparatively speaking, of very little value.

5734. Lord *Tyrone*.] I would like to put a question to you with regard to that valuing in rain; you mentioned that this was a hilly country?

Yes.

5735. Would it be possible for any man to value farms properly in pouring rain; would not the land look a very great deal worse than it would in fair weather?

I think it would be a very unsatisfactory mode of doing it, but it was absolutely impossible that they could value it.

5736. That is with regard to the time?

Just so.

5737. But I am putting a question with regard to the weather, because that is the important question. We have had evidence before of valuations being made in extremely wet weather; in fact when floods were on the land in some instances; but particularly in hilly country, would not everything look extremely miserable and wretched, and very much below the real value if it was a time of rain?

I should

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Mr. FITZMAURICE.

[Continued.]

I should think so. I would not attempt it myself even supposing I had waterproof garments on?

5738. If you put waterproof on yourself it would not affect the land; the point is about the land. Would not the land look very different on a pouring wet day from what it would in moderately fair weather?

It would look to great disadvantage there is no doubt.

5739. *Chairman.*] If you were to cut out of the calendar in Ireland all days on which it rained, and make them *dies non* for the purpose of valuation, I am afraid you would prolong very much the proceedings of these Sub-Commissioners?

If there was no business to be done on every rainy day in Ireland we would do very little business.

5740. *Lord Tyrone.*] The point is this; is it not necessary for a fair decision to be given that it should be given in weather in which a fair decision could be arrived at?

I think so. I quite agree in that opinion.

5741. If it happens to be a day upon which a fair decision cannot be arrived, it surely should be postponed to a day when a fair decision can be arrived at, should it not. If you were sending a valuer round your property you would not expect him to go and value in either your interest or the tenant's interest on a very wet day, or with frost on the ground, or with snow on the ground?

You could not value properly with snow on the ground, nor frost either.

5742. Or if it was flooded; you must take a day upon which you can value; is not that the case?

Certainly; but it is possible, I think, for a man to value that dry, hilly land on a wet day. I think it would be quite possible to do it if you choose to stand out in the rain.

5743. *Chairman.*] Have you a list of the reductions they made?

I have. (*The document is handed in, vide Appendix.*)

5744. *Lord Brabourne.*] Was the land of the same character that they valued in the wet?

A greater portion of it; rocky, hilly grazing land.

5745. Might not the fine weather before luncheon have given them a sufficient idea of its value?

No, they valued a good deal of low land before lunch; then they ascended the hill afterwards. When you are on a hill you cannot possibly see more than a couple of hundred yards down, according to steepness, and if you are below you cannot see more than a couple of hundred yards up. You cannot view it in the same way that you would flat ground. That land required to be looked into very closely, because five acres might not be worth half-a-crown an acre, and the next five acres might be worth 10s. an acre.

5746. But that statement would involve a very minute valuation, would it not?

And in such a case as that, I think, it ought to be very minute, and in every case, in fact, it ought to be very minute. This is a case of cutting down a man's income.

5747. *Chairman.*] The first five farms were valued before lunch, were they?

The first four.

5748. Are those cases appealed against?

They are.

5749. Are they now under appeal?

They are.

5750. The appeal is not heard?

No.

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Mr. FITZMAURICE.

[Continued.]

5751. Lord *Brabourne*.] In every case I see it is above the poor law valuation, but below the present rent?

Yes. The poor law valuation in Ireland is not a guide to rent, nor should it be, because this is the case; in fact, my experience all through Ireland is that the poor law valuation is at a very low rate. They valued some land too low, in fact. My experience of it is that they do not give any attention at all to the letting value.

5752. Were you able to detect any principle underlying the decisions of the Sub-Commissioners?

None whatever. I do not think they have anything to guide them in that respect. One gentleman is a gentleman with some splendid land down at Limerick; and I do not see how he could know much about mountain land.

5753. *Chairman*.] Who were the Sub-Commissioners in your district?

Mr. Wylie was Chairman, Mr. Barry (I think he was from Limerick), and Mr. Kenny, from Galway.

5754. What was their position in life?

In the course of conversation, Mr. Kenny told me, I think, that he farmed 1,000 acres.

5755. In what county?

In Galway; and I think Mr. Kenny had been for some time agent to Lord Derby; he had a property at Limerick, and he sold it. Prior to that, I think he was agent for him.

5756. Have you made any attempt at settling any other cases out of court?

Numbers. I made several attempts. In those cases that I spoke of on those two townlands of Rahanna and Craugh, I offered to make them a reduction of 15 per cent. permanently for the sake of peace.

5757. On the same townland?

On the two townlands.

5758. Lord *Brabourne*.] Fifteen per cent?

Fifteen per cent.

5759. They get 30 per cent. from the Court?

If it is to continue, that is so; but I can hardly imagine that it will continue.

5760. *Chairman*.] You made that offer, and what did you find?

They declined to have anything to do with it, and since then I have made offers to them on other properties to leave it to the Government valuer, and they have in every case refused it.

5761. Do you mean a valuer sent down by the Commissioners?

Yes, under the new rule.

5762. And they would not have that?

No, they would not have it anywhere.

5763. They preferred the Sub-Commissioners?

Much so; that is if those Sub-Commissioners' decisions are to remain in force.

5764. Lord *Brabourne*.] If they are reversed on appeal, I suppose there will be a good deal of discontent amongst the tenants, would there not?

I should say that privately they would be satisfied, but collectively they might not appear to be very well satisfied, even if the reduction were made smaller.

5765. That means that you have the utmost confidence that the existing rents were fair?

I am quite satisfied that they were. The best proof of it is that the tenants never complained.

5766. *Chairman*.] The estate of which you have been speaking is Captain Newton's estate?

Yes.

5767. What

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Mr. FITZMAURICE.

[Continued.]

5767. What is the total rental of it?
£. 1,668.

5768. I want, for a particular reason, to have the exact rental?
£. 1,668 a-year. That is derived from tounts; he has about 100 acres in his own lands.

5769. There is a head rent, I believe?
Yes, there are head rents.

5770. How much is that?
£. 67. 17 s. 11 d.

5771. And what is the tithe rent-charge.
£. 75. 11 s. 8 d.; that includes 36 l. 18 s. 8 d. lay tithe rent-charge.

5772. I want to get the outgoings on the property. There are premiums on life assurance connected with loans; what do they come to?
£. 83. 11 s. 8 d.

5773. What is the amount of interest on the loans?
£. 804. 15 s.

5774. We will take those together; they are 888 l.?
£. 888. 6 s. 8 d.

5775. Marquess of Salisbury.] Which are practically all interest for loans?
All interest for loans.

5776. Chairman.] And what are the annuities?
£. 100. 7 s. 8 d.

5777. I suppose you would take the landlord's proportion of taxes, agent's fees, and bailiff's salaries?

They come to about 100 l. a-year.

5778. And what do you put the total outgoings at?
The receiver's fees and the bailiff's salary comes to about 100 l. a-year, and the poor rate, and income tax, and county cess that he pays comes to another 100 l. a-year.

5779. Then the whole outgoings would come to how much?
£. 1,874. 8 s. 11 d.

5780. And what would the margin be between that and the rental?
£. 294. a-year.

5781. Then, at the rateable reduction which has occurred upon these cases that are decided, that margin would disappear?

It would quite disappear, and more than that. In fact, on the evening of the morning the decision was given by the Commissioners I wrote to Captain Newton, in Carlow, and said, "If they go on at this rate you will not have a shilling a-year to live on."

5782. Is the estate a settled estate?

Yes, that is the reason why there was his necessity for the insurance to cover the loan.

5783. What is your opinion as to the effect that the Land Act has had hitherto on the country?

I do not know exactly how I should answer that. Is it with regard to the immorality of it that your Lordship means?

5784. We will take it as regards the relation of landlord and tenant first?

It has had the effect undoubtedly of setting the landlord as much as possible against the tenant, and the tenant against the landlord. The good feeling that used to exist is quite at an end; but I think it has demoralised the country as much as anything in the world possibly could.

5785. At present, are the people more or less, do you think, engaged in an assiduous cultivation of their farms?

(O.I.)

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They

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Mr. FITZMAURICE.

[Continued.]

They seem to be totally independent of their landlords now; everywhere there is that feeling of great independence, and I think they are farming their land just about the same as usual. I do not think there is any change about that. They have been urged on by agitators. In fact, I may mention an instance that occurred a short time ago, in the beginning of May. I went about 12 miles below Cloamell to visit the farm of a tenant who has served an originating notice belonging to Lord Clonmell's estate; I said to him, "Are you going on with the law into the Land Court; there is no necessity for your doing so." (I went down to see the position of his farm; I knew it to be very moderately let, and wondered very much at getting this notice from him.) He said, "Oh no, sir." "Then why do you go to the expense of it," I asked. "It costs me nothing," he said. I said, "It is some good-natured person, I suppose, that wanted to set you at variance with your landlord, and served the notice for you." The man was silent; but another tenant standing by said, "That is how it was, sir."

5786. He served one of those originating notices?

Yes, the man had no intention whatever of going on with the originating notice. That is just merely an instance of it.

5787. Marquess of Salisbury.] Why was there any special hostility to Captain Newton?

He had been Boycotted for giving a decision adverse to what you call the people's wishes in the Petty Sessions Court in Borris. He attends the Petty Sessions Court in Borris, in the county Carlow. He gave a decision with the Honourable Mr. Stopford, and both were for the time Boycotted. The people did what they could to annoy him, but he is one of those cheery good fellows that bore up against it. In another townland he had a good portion of what is called perpetual meadow, which is coarse meadow, and people were very glad to get that up to last year, when notices were put up that they should not take any from him, and they did not. He cut it himself, and has some of it still. That is only an instance of the feeling; and I know he had to get his bread from Carlow, 15 or 16 miles off.

5788. Lord Tyrone.] Among the numerous properties that you are agent over, are there many of them encumbered with charges?

There are a great number of encumbrances on almost all of them.

5789. From your knowledge of other estates in Ireland, are there other charges upon them?

I should say there is scarcely an estate in Ireland that has not more or less of encumbrance, some very heavy, and some comparatively light; but, I think, generally speaking, a great number of estates in Ireland are encumbered.

5790. Do you think the reduction in rent is likely to sweep the margin away in many cases?

I have not the slightest doubt about it in a great many cases.

5791. What do you anticipate will be the effect upon the proprietors?

They will be reduced to earning their bread if they were capable of doing so somehow, or else live on the benevolence of their relatives, or go to the workhouse. I do not see any other alternative.

5792. Do you think that will be the case with a great number?

I have not the slightest doubt about it if the deductions continue at the present rate.

5793. And there is no possibility of their realising the value or anything like the value of their land?

It is quite impossible. There is no property now in any part of Ireland that I know of that is saleable. Many wish they had sold long ago. A great number of landlords, I know, would be very glad to sell now at a very low rate.

5794. If the mortgagees were to foreclose and sell them up, I suppose they would lose a great portion of their land.

That

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MR. FITZMAURICE.

[Continued.]

That would depend upon the priorities. Those who had priority would probably be paid, but some might lose the property altogether, and would do so.

5795. Therefore you think those reductions are not only likely to sweep away and destroy many landlords that exist in Ireland, but may also ruin a large number of mortgagees as well?

There cannot be the slightest doubt about it. I am connected with properties that have a very small amount of margin. They are all very old friends of mine, and probably I should not be agent for them were it not for the difficulty of meeting the encumbrances.

5796. Have any of those properties been purchased in the Encumbered Estates Court?

No they are all family properties.

5797. Old family properties?

Old family properties.

5798. And I suppose upon the generality of them the rents have not been raised lately?

No, the old landlord in Ireland was not in the habit of raising his rent. It is the men who have purchased within the last 20 or 25 years in the Landed Estates Court; it is that class who purchase at $4\frac{1}{2}$ or 5 per cent. at 20 or 22 years' purchase, or many of them, who have increased the rent; and my conviction is, were it not for that class of men, there would have been no Land Act of 1870, and probably no Land Act of 1881; that is my belief and conviction. It is the new proprietors that have done the mischief.

5799. In watching these cases, which I suppose you have done pretty carefully in Ireland, do you find there is a great deal of difference in the reduction upon those who have raised the rents and upon those who have allowed the rents to remain as they have been for many years?

I have not the least doubt there is that difference.

5800. I want to know as regards the reduction. Do the Sub-Commissioners reduce in the same proportion, those who have raised the rent lately, and those who have allowed it to remain the same for many years?

I do not think they do. I think they reduce more those who have raised the rents and put them back to the former rents.

5801. Do you think that they bring them up to about a fair average now; that is to say, in the case of the rents that have remained the same for a great number of years; do you think they bring those raised down to that average, and do they bring the ones that have remained the same below what they were?

I really have not compared the cases, and could not give you an answer to that question, but I am quite aware of some instances where the Commissioners have reduced. In fact, I have been present and heard their decisions on some cases where the rent has been raised latterly, and they have reduced them down to the former rent, or perhaps below it, taking into account all their improvements.

5802. Marquess of Salisbury.] If let at the former rent the Commissioners would, according to their practice, have reduced that?

They would. It seems to me a settled thing that no matter how long a tenant has been paying his old rent they think it necessary to make some reduction, except in some cases.

5803. Lord Tyrone.] Have you watched the reductions that have been going on within the past month or six weeks?

I have not. I have a tremendous lot to do, and I have not paid much attention to them. We have got so accustomed to it now that we throw it overboard; we do not mind it.

5804. You do not know whether they are increasing the amount of the reductions?

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I think

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MR. FITZMAURICE.

[Continued.]

I think that latterly they have increased the amount of reductions. We have had only two sittings of the Commissioners in Carlow; I think the first time they did not reduce as much as lately. Whatever is the reason I cannot tell, but there is no doubt whatever that the reductions are much heavier than they were at the first sitting. I had 12 or 14 cases at the first sitting, and, with the exception of two or three of them, there was not very much difference between the rents that were fixed. I appealed in three cases, but we did not proceed with them afterwards.

5805. In the cases you have had decided, do you consider the reductions unreasonableness and unjust?

Thoroughly; I think nothing can be more unjust.

5806. Have you come across cases of deterioration of land by the tenants?

No; the land has been very fairly managed, generally speaking, by the tenants upon the properties I have had anything to do with.

5807. Would you speak of that generally?

Yes; all the proprietors I am acting for are kind and considerate men. They would not wish anything unreasonable done, and their tenants are very prosperous, and I have been more fortunate than most people, perhaps, in obtaining good payment, or comparatively good payment.

5808. Therefore the tenants have not deteriorated the land upon these properties?

They have not.

5809. You mentioned something about Griffith's valuation just now; is it not the case that upon mountain land, as a rule, Griffith's valuation is very much lower than upon almost any other class of land?

My experience of Griffith's valuation is, that they value the poor land too high and the rich land too low.

5810. Mountain land, of course, is poor land; but is not that valued almost below the average of bad low-land farms?

Yes, I do not think it is possible where you have such a large staff employed for Griffith's valuation to be exactly relative in proportion, and they have valued the mountain land as much as it ought to be valued at.

5811. These farms you speak of were mountain land?

Yes, all mountain land, except some patches of low land attached to them.

5812. Therefore what sort of average should you yourself imagine in round numbers, could be put upon Griffith's valuation to make it a fair rent upon those farms?

I think from 25 to 30 per cent. in most cases; at the same time there are exceptions. I could name a couple of townlands which I am perfectly certain are too high according to Griffith's valuation.

5813. Marquess of Abercorn.] It is a townland valuation?

It is a townland valuation that was made 30 years ago, which makes a very great difference, and a great deal of land has been improved since by the landlords' outlay of money, and that is not taken into account at all. That very instance of Captain Newton having laid out 260 l. on a piece of cut-out bog, and let it to the man who got the reduction, is an instance of it. That has not been valued since by the Griffith's valuation people, or the Government valuation.

5814. Marquess of Salisbury.] Are any of the tenants of the property with which you are connected in arrear?

Yes, a good many.

5815. A large proportion of them?

No; on some properties there are more in arrears than on others.

5816. Are those in arrear largely in arrear?

A portion of them; I should say about an eighth of the tenants are in arrear, but of those some perhaps owe three or four years' rent, and some less.

5817. Are

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Mr. FITZMAURICE.

[Continued.]

5817. Are they generally the better class of tenants who are in arrear?

No, the smaller class; the smaller class suffered more in 1879 than any others; they had to purchase provisions, which put them into debt throughout, and it is the smaller class who are in arrear.

5818. Of that eighth of the tenants, should you say the larger proportion was under 30 *l.*, or over 30 *l.* valuation?

The larger proportion was under 30 *l.*

5819. It is mainly that class of tenants who are in arrear?

Perhaps my answer misleads you a little; I meant to say that there is about an eighth in money, not in numbers.

5820. But in numbers, how many roughly should you say are in arrear?

Perhaps a 12th or a 14th; it is only really hazarding an opinion about that, because I never made them up or counted them up; but I should say about a 12th or 14th in number.

5821. Of the tenants?

Yes.

5822. And those chiefly of the poorer class?

Chiefly of the poorer class.

5823. Lord *Tyrawley*.] Have you got a hanging gale generally?

Generally, on all properties.

5824. Marquess of *Salisbury*.] You are not calculating the hanging gale as an arrear?

No.

5825. Is the hanging gale a whole year, or half-a-year?

A half-year. When they owe a year's rent, they generally pay a half-year; there are some exceptions to that. Those who have taken the land lately, pay up two or three months after the rent becoming due.

5826. *Chairman*.] The hanging gale is a half-year?

A half-year.

5827. It has been stated in evidence here, that the effect of the introduction of the Arrears Bill in some districts of Ireland has been to stop the payment of rent altogether for a time; is that your experience?

No, it is not.

5828. Has it made any difference one way or another with you?

No, I do not think it has; I think I have been as well paid the last two months or better than during the last three years.

5829. Marquess of *Salisbury*.] The "no rent" agitation did not make any lodgement with you.

No, it did not. Perhaps for about a month or six weeks there was great hesitation on the part of the people to pay, not knowing how it would be. There is one property, particularly in the Queen's County, where I went to meet the tenants on two occasions, and on neither occasion did they pay me, and did not even put in an appearance. I asked what was the meaning of it, and the rent-warners told me: "The fact is they expect there will be a rebellion before Christmas, and they think they will not have to pay any rent." I merely mention that as an instance of what took place, and to show that they had the most extravagant ideas in their minds.

5830. That was last year?

That was last October or November.

5831. Of those who are several years in arrear, do you regard that rent as irrecoverable?

Quite so, in almost every case.

5832. You do not think you will get it back?

No; in fact, whenever I was paid a year's rent I was satisfied. Last year I gave

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gave

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Mr. FITZMAURICE.

[Continued.]

gave them their receipts, and now, under this proposed new Bill, we are told that these receipts may be made applicable to the year ending 1881, and that they will tear up their receipts, and say, "You shall not have it at the time it ends at all; you must apply it to the year ending 1881." That is the programme, I understand.

5833. That was not at all your intention in drawing the receipts?

No, because times might mend very much, and if the tenants were left to themselves I think they would act honestly, and wish to pay if they could. That is my experience of it generally.

The Witness is directed to withdraw.

Mr. FORSTER DUNWOODY, is called in; and Examined, as follows:

5834. *Chairman.*] You are a Land Agent residing at Monaghan?
Yes.

5835. You have been a land agent for many years in that neighbourhood, I believe?

Over 20 years.

5836. What counties have you had experience of?

Chiefly in Monaghan; but I have had to do with estates in Mayo and Tyrone.

5837. Do you farm yourself?

I do.

5838. How much have you in your hands?

I have over 200 acres.

5839. You are well acquainted with Ulster tenant right, are you not?

I am.

5840. You can tell us something about land which has been bought in the Encumbered Estates Court, I suppose?

Yes; but the first thing I wish to state is about an old estate where rents have not been increased for over 50 years.

5841. I will come to that; we will postpone the question as to the Encumbered Estates Court, and first take an estate which has not passed through that court; what estate have you in your mind to speak of?

An estate belonging to Mr. Crookshank, a small property.

5842. Are you agent for it?

Yes.

5843. Where is it situated?

Within three miles of Monaghan.

5844. What is the size of the estate?

It is only 300 l. a year.

5845. How many acres; is it 320 statute acres?

Exactly.

5846. How many tenants are there?

About 20.

5847. What is the value of the holdings?

They would average from 12 l. to 14 l.

5848. What is the Government valuation?

It is between 250 l. and 260 l. per annum.

5849. Has there been any change in the rental for some years past?

There has been no change whatever since 1832.

5850. That

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MR. DUNWOODY.

[Continued.]

5850. That is 50 years ago?

About 50 years. I produced the rental of 1832 before the Sub-Commission, and it was a little larger rent than the tenants are now paying.

5851. Have you had evictions during that time on the estate?

None. I have known the estate for 25 years, and there have been no evictions.

5852. What does the tenant right sell for?

It has sold as high as 18 l. per Irish acre, although we tried to limit it at 10 l. per acre.

5853. That is nearly twice or double a statute acre?

Not quite so much.

5854. Marquess of Abercorn.] How much on the rent, not 18 years' purchase, I suppose?

I do not think it would be so much as 18 years.

5855. Would it not be 1 l. an Irish acre; 18 l. an acre if the land is worth 1 l. an acre would be 18 years' purchase, would it not?

It is set at more than 1 l. an acre; it is nearer 1 l. per English acre.

5856. Chairman.] Has the rental been paid punctually?

Yes.

5857. At present are there any arrears?

Very little, except the tenants who have got judicial rents fixed, but most of the other tenants have their rents paid till November 1881, without any reduction.

5858. And what about those who have had judicial rents fixed?

They happen to be tenants who are in arrear. Those who have got the judicial rents fixed are, I believe, three of the worst tenants on the estate.

5859. How many originating notices have you had on this property?

Eleven have been served and three have been adjudicated on.

5860. When was that?

At the last sittings.

5861. Have you got a note of the result of the decisions?

I have. (*The same is handed in.*)

5862. In the first case the late rent was 14 guineas, Poor Law valuation 12 l., the judicial rent 10 l. 15 s. In the next case the late rent was 13 l. 7 s. 4 d., Poor Law valuation 11 l. 10 s., judicial rent 10 l. In the next case the late rent was 8 l. 13 s. 6 d., the Government valuation 8 l. 5 s., judicial rent 7 l. 10 s., so that the result of the whole is that the judicial rent of the three is 28 l. 5 s. as against 36 l. 14 s. 10 d. of old rent. What is the amount of the reduction; 23 per cent., is it not?

Yes.

5863. And about 13 per cent. below the Government valuation?

Yes.

5864. What was the state of the farms at the time?

There had been a very considerable deterioration. I proved before the Sub-Commissioners that in one instance three crops had been taken, and the field allowed to remain out without manure or without sowing grass seeds. On going over the land with the Sub-Commissioners, I drew their attention to that fact, and the tenant admitted that that was so.

5865. Had you any evidence of valuers, or was it only your own evidence?

We had a valuator.

5866. Did he value it as it stood, or as it would have been if it had not been deteriorated?

He valued it as it stood, and reduced the rent in two instances slightly, and in another he would have increased the rent.

5867. As it stood?

Yes.

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Mr. DUNWOODY.

[Continued.]

5868. What evidence had the tenants?

Principally their own. They had also a farmer who valued it for them.

5869. Did the Sub-Commissioners give any reason for their decisions?

No.

5870. None?

No.

5871. You do not know what the grounds were on which they proceeded?

If it be competent for me to form an opinion, I would consider because of the existing state of the soil.

5872. Was there any question of improvements in controversy?

No, none. The only holding on which there was a good house, and that was the 144. holding, the landlord paid for a slated roof on the house.

5873. Lord *Brabourne*.] Did you show deterioration on the part of tenants and prove it?

Yes.

5874. We have been told that where deterioration is proved, that is taken into account by the Commissioners, and that they would fix a higher rent in consequence; is that your experience?

That would be a very difficult question for me to give an opinion upon, because I think the great difficulty is to know how the Commissioners arrive at their conclusions.

5875. Marquess of *Salisbury*.] But you insisted very strongly on the deterioration of the soil in your evidence, did you?

I certainly did.

5876. And your valuator gave the value of the farms as they stood at about the existing rent?

In one case it was over the existing rent, and in two other cases it was slightly under.

5877. Nevertheless, in the judicial rent there was a considerable diminution?

Yes, and judicial rents now are considerably under the Government valuations.

5878. Lord *Tyrone*.] Did you state, before the tenant, to the Sub-Commissioners the way in which they had cropped the land?

Yes, I did.

5879. The rotation of crops?

Yes, I did.

5880. And did you also state that they had used no manure?

I did.

5881. Did the tenant admit that?

He could not deny it. He was silent on the land. I brought the Commissioners to the field, and said, "As you may recollect, in my evidence I said no tenant could pay the rent and farm as these lands have been farmed." That is, they were bad farmers.

5882. What did you say then?

I brought them to this particular field that I referred to in my evidence, and I said to the man, "What crop had you in that last year?" he said "Oats." "What crop the year before?" "Flax." "What crop the year before," I said; he said "Oats." Then I said, "Have you not allowed it to remain without manure these three years after three crops," and he said "Yes."

5883. And did the Commissioners make any remark upon that?

No.

5884. Did they look as if they were surprised at that statement?

Yes, rather. That was Mr. Doyle's commission. They dug the lands, and appeared to examine them minutely.

5885. Notwithstanding

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Mr. DUNWOODY.

[Continued.]

5885. Notwithstanding all the proof which you produced, and which was not denied by the tenant, the rent was materially reduced?

Certainly.

5886. *Chairman.*] Who were the Commissioners?

Mr. Doyle was the legal Commissioner, and Mr. Howlin, and some other young gentleman.

5887. *Lord Brabourne.*] Then your evidence entirely negatives the statement that the tenant has suffered in the judicial rent from having deteriorated the land?

I think it is the landlord who has suffered in these cases.

5888. I say, it having been stated to us that where the tenant had deteriorated his land that was taken into account, and no reduction was made if it was shown that his bad farming had caused the deterioration; your evidence directly negatives that statement?

My impression is that in these cases the land has been badly farmed, and a low rent has been fixed on it, on account of its present state.

5889. Therefore, the landlord and not the tenant has suffered from the tenant's malpractices?

I think so; in these particular cases that is so.

5890. *Lord Tyrone.*] If the same system of farming is carried on for the next 15 years, would you not anticipate if the Sub-Commissioners act upon the same lines at that time there will be a still further and larger reduction?

I think in many instances there would be a further reduction at end of 15 years.

5891. From the deterioration of the tenant?

Yes.

5892. *Marquis of Abercorn.*] According to that the less well a tenant farms the more reduction there will be at the end of the 15 years?

Yes, if the Commissioners fix the rents on the state of the farms when they visit them of course the rents will be reduced.

5893. *Earl of Pembroke and Montgomery.*] The Commissioners admitted, I suppose, that the deterioration was an argument in favour of keeping the rent up, did they not?

They did not enter into that.

5894. They did not tell you in Court that it was an argument for lowering the rent, did they?

No, they generally are silent on things of that kind.

5895. *Chairman.*] To pass to another estate, do you know the estate of Mr. Richardson, of Poplar Vale, in County Monaghan?

I do.

5896. You are agent for it, are you not?

Yes.

5897. What is the size of the estate?

About seven hundred acres.

5898. Seven hundred and fifty-three acres, is it not?

I believe seven hundred acres.

5899. And there are about 50 tenants, are there not?

That is a mistake, there are only 40 tenants.

5900. What size holdings are they?

About 20 *l.*

5901. What is the whole rental of the estate?

£. 850.

(0.1.)

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5902. What

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Mr. DUKWOODY.

[Continued.]

5902. What is the Government valuation of the whole?
£. 700.

5903. Has there been any change in the rental for some time?
No.

5904. For how long?

In the seven cases that were heard I think three of the tenants held under leases made in 1849 for 21 years. They expired in 1860, and there was no change on the expiration of those leases.

5905. How many cases have been investigated on this estate by the Commissioners?

Seven cases.

5906. When were they decided?
In the month of May last.

5907. Have you got a similar table of those cases?

I have; I think this is a case of very great hardship to the owner. (*The document is handed in, vide Appendix.*)

5908. Lord Tyrone.] Have the tenants always been on good terms with their Landlord?

Very good.

5909. And has the tenant-right been limited or not?
Not limited, I believe.

5910. It has been perfectly unlimited?
Perfectly unlimited, so far as I know.

5911. Have you any idea what sort of price it has fetched?

Since I was appointed agent there have been no sales, but some of the tenants themselves admitted that they had bought many years ago, subject to the present rents, and paid a large sum for the then tenant-right or the interest in leases.

5912. *Chairman.*] In those seven cases according to this note, the late rent of the seven was 131 £. 15 s., and it is reduced to 94 £.; what per-centage of reduction is that?

It is nearly 30 per cent. reduction.

5913. You have not added up what the poor law valuation of the whole was, do you know what it was?

I have not, nor do I think that in one case the poor law valuation would be any correct standard, for in one of the cases tried the tenant had six acres on which there was no valuation in the Blue Book. It was a place where the tenants had originally free turbary, and it was put into the holding, and no additional value was put on for rating purposes.

5914. Did you employ a valuator in these cases?
Yes.

5915. And his evidence was taken, was it?
It was.

5916. What were your instructions to him with regard to the valuation?

Some of those farms were in a very high state of cultivation. It is a good part of the county, and is a wheat-growing district. My instructions to him were not to take the present high state of the farms into account, but to value the nature of the soil and the circumstances of the farms.

5917. And what was the valuation that he gave evidence of?
In some instances he reduced the rents slightly, but only slightly.

5918. Did he propose to raise the rents in any cases?
He did not on this estate propose to raise them.

5919. Not in any cases?
No.

5920. Have

22nd June 1852.]

Mr. DUNWOODY,

[Continued.]

5920. Have you got a note of what the valuation would have been according to his evidence?

Not at hand, but I can add it to that which I have handed in if necessary.

5921. Was any reason given in those cases by the Commissioners?

None whatever. There is one case I wish to draw attention to where the rent was 27 *l.* A man named Harvison, and his father before him, had paid that rent on a lease for 21 years, and it expired in 1860. There was no change, and that rent is now reduced to 18 *l.*

5922. Have you appealed in these cases?

I have appealed in three of those cases. After the decisions I submitted a tabulated schedule to the Registrar in Chancery, and asked his directions as to whether I would appeal or not.

5923. Why was that?

Because the property is in the Court of Chancery.

5924. Is it an estate in lunacy?

Yes, the landlord is a certified lunatic.

5925. So you had to take the directions of the Court of Chancery?

Yes.

5926. And have they authorised you to appeal in some of the cases?

The Registrar referred the sale to the committee of the estate, and I consulted the committee, and have lodged appeals in three cases.

5927. And the appeals are not heard?

The appeals are not heard yet.

5928. Earl of *Pembroke and Montgomery*.] Was that 27 *l.* a year case one of the cases in which you have appealed?

Yes.

5929. Was there any considerable amount of tenant's improvements on that holding?

No.

5930. Have you observed any correspondence whatever between the amount of tenants' improvements, and the reductions that have been made in the rents?

I have not paid any particular attention to that. The farms are farmed in the usual way; there are tolerably good dwelling-houses on the lands, but no improvements have been made in the dwelling-houses on Harvison's farm for many years.

5931. Did you see any connection between the reduction of rent made by the Land Commissioners and the value of the tenants' improvements on the holdings?

I could not see any in any of those cases, none whatever.

5932. Lord *Tyrone*.] Do you consider the reductions unreasonable?

I think they are in those cases.

5933. This estate has charges upon it, I believe?

Very considerable charges.

5934. And if those reductions are carried out will the margin be gone?

The rental will not meet the outgoings, and pay for the maintenance of the lunatic if these reductions are carried out over all. His wife died since he was declared a lunatic, and there are, I believe, five children in the charge of an aunt of theirs.

5935. You look upon it that if these reductions go on they will be left paupers?

I do.

5936. You were afraid of the expenses of appealing, and is that the reason why you did not appeal?

(O.I.)

Q 4

Yes,

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Mr. DUNWOODY.

[Continued.]

Yes, because the expenses already created in those cases are very considerable.

5937. *Chairman.*] Can you give an estimate of what the expense per case was?

In this case they would be more than usual because we were prepared at a former sitting to hear two of the cases, and we had our valuator there, and the cases were not heard. They were adjourned to another sitting, and the bringing back the valuator was expensive.

5938. That, we understand, is not uncommon?

I think it would be most desirable if an arrangement could be come to, that when cases are listed and the parties ready, they should all be heard.

5939. What was the expense that you say was incurred?

I should say there was an expense of 6*l.* or 7*l.* in each case. We pay a valuator for every day he is upon the lands, every day he attends in the Court, and for every day he is engaged making up the valuations. Of course he was attending in Court the first three days expecting cases on, and they were not, but they were adjourned until the next sittings. If it were a very large estate it would be different. In these small estates it is a very great hardship to the landlords.

5940. *Lord Tyrone.*] I suppose you were in doubt how to proceed, being afraid of ruining your principal?

I was cautious not to incur any unnecessary expense, otherwise I would have appealed in others of them. I was examined in the first case heard in County Monaghan, and on appeal before the Chief Commissioners at Belfast, and that case was upheld by the Chief Commissioners, though I am inclined to think that they thought from my evidence the reduction was too much.

5941. *Marquess of Salisbury.*] You mean they upheld it for the sake of not reversing the decision of the Sub-Commissioners?

I think so. It was a very trifling case, a rental of 8*l.* 16*s.* being reduced to 6*l.* 6*s.*

5942. *Lord Tyrone.*] Were you of opinion that the tenants would have been satisfied with a very much smaller reduction?

I believe they would. As a matter of fact very few tenants have yet appealed on account of not getting sufficient reduction. I believe from their conversation before the cases came on the tenants on this estate would have been satisfied with less. Of course when they are examined in court they all give wonderful evidence as to what they would be able to pay for a holding.

5943. *Lord Brabourne.*] Do you think their originating notices spontaneously, or that they were put up to it by any society or individual?

I am inclined to think that on this estate they sent in their originating notices spontaneously.

5944. *Lord Tyrone.*] With regard to the reductions on the former estate that you spoke of, how much of the income will they sweep away?

About a fourth, I think.

5945. Are you in a position to inform us whether that estate is charged?

The first estate, that is Mr. Crookshanks', is not charged, to my knowledge, to any extent.

5946. *Chairman.*] Are you acquainted with any estate that has been sold in the Landed Estates Court upon which reductions have been made?

I am with one property; I am not the agent, but I attend to the business in the absence of Mr. Mason, the agent. That is the estate of Mr. Henry Oweo Lewis.

5947. Where is that?

About four miles from the town of Monaghan.

5948. When was it bought in the Landed Estates Court?

It was bought by his father, late Colonel Lewis, in 1860.

5949. Has

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MR. DUNWOODY.

[Continued.]

5949. Has there been any increase made in the rent since?
None whatever, except for additional land

5950. Except where land was added?
Yes.

5951. How many cases on that estate have been decided?
Two cases were heard at the last Commission.

5952. What is the reduction upon their rent; how much per cent.?
The reduction there has been exactly 20 per cent.

5953. Twenty per cent. on the unaltered rental?
Twenty per cent. on the unaltered rental.

5954. One-fifth?

Yes; I had those farms valued, and the landlord's valuator valued them at 22 *l.* 6 *s.*; the old rent being 21 *l.* 4 *s.* 10 *d.*, in fact, the valuator considered farms worth a higher rent.

5955. You thought there should be an increase?
Yes, from the valuation.

5956. In the place of that, 20 per cent. was taken off?
Yes.

5957. Are appeals lodged in those cases? (*The document was handed in, vide Appendix.*)
Yes.

5958. With regard to the relations between landlord and tenant in Ireland, what is your experience as to the effect of the Act and its working?

I believe it has disturbed the relationship that existed, and very much tended to lead the tenants to expect very wonderful reductions in their rents, no matter how long their rents had been unaltered.

5959. Has it produced a friendly feeling, or the reverse, between landlord and tenant?
I think the reverse.

5960. Do you find it easy to settle out of court with the tenants?
I do not; I find it very difficult. Tenants have met me in this way, saying, "I do not object to the reduction you offer, but I will not sign an agreement to pay that rent for 15 years, because I believe before the expiration of the next 15 years we will not have much rent to pay for our farms at all."

5961. Have you known that actually said in any case?
Yes, in several.

5962. Earl of *Pembroke and Montgomery*.] Would not that be an argument against going into court at all?

You would think it would; some of those very tenants I have referred to, although they have petitioned for an abatement and got an abatement, very few of them are in court. There are some tenants that I know who have actually withdrawn their cases from court on that very ground.

5963. *Chairman*.] That they preferred not to go through the court?
Not at present.

5964. Earl of *Pembroke and Montgomery*.] They did not want to be bound for 15 years?

They did not want to be bound for 15 years; and I know where a notice has been withdrawn on that very ground.

5965. Marquess of *Salisbury*.] They look for new legislation, do they?
Yes.

5966. Lord *Tyrone*.] Have the decisions of the courts in the North become more moderate lately, or the reverse?

(O.I.)

R

Well

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Mr. DUNWOODY.

[Continued.]

Well, where I live, in Monaghan, I do not think there has been any change. On an average there has been about 20 per cent. taken off.

5967. That is what happens still, is it?

Yes.

5968. I suppose you have a pretty general knowledge of the amount to which estates are mortgaged in the North of Ireland, have you not?

In some instances I know that they are mortgaged very largely.

5969. Would it be your impression that a great number of estates in the North of Ireland are mortgaged?

A great many.

5970. Do you think that if these reductions go on they are likely to eat up the whole of the margin?

I think so.

5971. And then the proprietors will be absolutely ruined?

I think, in many instances, they will.

5972. Lord Broborough.] Have the large estates in the county of Monaghan been bought at all?

On the larger estates I believe there are less originating notices served than on the small estates.

5973. Is there any reason for that with regard to the lowness of rent?

I think so, and for other reasons.

5974. We were told by a witness, early in this inquiry, that his idea was that the smaller estates in Ireland were more highly rented than the larger, and his hope had been that the action of the Sub-Commission would have been to reduce the rents of the smaller estates to the average of the higher; is that at all your idea of what is the state of things, and what has been the effect?

I would say, generally, that that is correct; I believe the large estates, such as Sir John Leslie's, Lord Dartrey's, and Lord Rossmore's, the rents are more uniform than the smaller properties.

5975. Has the result of that been that they are not brought into court, and is that the reason why originating notices have not been given to a considerable extent upon those estates?

I believe, upon those large estates, tenants have not come forward so quickly to serve notices as on the smaller estates, but I do not really know what the reason is. On large estates sometimes tenants talk the matter over amongst themselves, and one is unwilling to come in until others join, and a number in the district are anxious to come in together, at least I think so.

5976. Then the evidence you have given us to-day relates generally to smaller estates?

Yes, to smaller estates. I am agent under the Court of Chancery and for several other small estates.

5977. Marquess of Abercorn.] There is a general impression abroad that estates very highly let have been less reduced in proportion to their real value than estates which have been fairly let; that is to say, that the Commissioners determined to reduce at any rate; have you any idea about that?

I have not any definite information upon that point within my own knowledge.

5978. Lord Broborough.] You have ascertained no general principle upon which the Commissioners have proceeded?

I have not; I have been before the Commissioners in Mayo, and before two Commissions in Monaghan. I attended before the Commissions which sat first, I was in Mayo in May last, at Mr. Hamilton's Commission, and went over the land, but could not form any opinion as to the basis on which they act. They certainly do not, I think, act upon the valuations.

5979. The valuation of whom; their own valuator?

I think

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[Continued.]

I think if they all had an independent valuator in connection with themselves it would be most important. I think the valuations produced by tenants and sometimes by landlords are not so much to be relied upon as if there was an independent valuator who would make his report to the Sub-Commission.

5980. *Marquess of Salisbury.*] There is an independent valuator, is there not, for the Chief Commissioners on appeal?

Yes, I believe so.

5981. With respect to that feeling of which you spoke, that there is a probability of fresh legislation, at what time did you observe that take its rise; when did the tenants first begin to talk to you in that style?

I think it was about the 1st of May last.

5982. That is about six weeks ago?

Yes, about the 1st of May.

5983. They had not mentioned it before that?

No, not to me.

5984. Are your tenants tenants on lease or at will from year to year?

Most of them from year to year.

5985. Do you trace that feeling either to any special public event or to the instigation or suggestion of any organisation or individual man?

I think it is on account of the general agitation; the expectations of the tenants are raised very much.

5986. There is a general impression of great change impending?

Certainly.

5987. They do not like to bind themselves?

Certainly; that is so.

5988. Do you find that that feeling exists amongst the better class of tenants as well as amongst the smaller?

I think it is chiefly amongst the smaller.

5989. Do you find that it is shared in by the Roman Catholic clergy?

I really cannot say, because I think the very last office day I had in Monaghan a Roman Catholic clergyman came in when a woman was paying her rent, and clapped her on the shoulder, and said, "You are doing what is right; you have got a reduction on this property in the Court of Chancery; you are dealing fairly by, and I like to see you paying your rent"; though I was told afterwards that his own curate had advised the tenants not to pay their rents.

5990. That division of labour occurs frequently, does it not, in Ireland?

I heard it stated so.

5991. But you think that those impressions of coming change are mainly to be found among the poorer class of tenants?

I think so; that is my impression.

5992. Do you think it has induced them to withhold the payment of rents actually due in any case?

The late agitation as to the Arrears Bill has certainly, in many instances, prevented them paying rents.

5993. *Chairman.*] Is that your experience as to the effect of the Arrears Bill?

It is.

5994. That it has led to a suspension of paying rents?

It has for the present, I believe, in several instances.

5995. In your neighbourhood?

Yes, I believe so.

(O.1.)

R 2

5996. *Marquess*

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Mr. DUNWOODY.

[Continued.]

5996. Marquess of Salisbury.] On the estates with which you are connected?

Yes.

5997. Among all classes of tenants, or amongst tenants under 30 £ only?

I would say amongst the poorer classes of tenants, because, as a general rule, the tenants over 30 £ pay their rent better than the smaller tenants.

5998. Then you have a large number of arrears in the case of tenants under 30 £?

Yes.

5999. Do those arrears run back?

Some of them are running from two to four years.

6000. Chairman.] You mean arrears on properties that you are connected with?

Yes. The receiver of the property that I am now speaking of formerly lived in the neighbourhood of Monaghan. He does not reside there now, and I manage the estate for him; I have been managing it for years. It is an estate on which there are 250 tenants. He appointed me some years ago as his under agent, but retained the agency in his name, though I manage the estate as local agent.

6001. Marquess of Salisbury.] You say there are a considerable number of tenants who are three or four years in arrear?

There are several of the tenants on that estate from two to three years in arrear.

6002. Do you expect to recover those arrears, supposing no Arrears Bill passes?

I think were there is free sale on a property (that is, if there was no objection to incoming tenants buying), I think most of the arrears could be got.

6003. If there was no Boycotting, you mean?

If there was no agitation to prevent parties buying, I think most of the arrears would be got in.

6004. Chairman.] That tenant-right has been the security for the arrears, has it?

Yes; and in most cases those arrears would be perfectly secure when the present tenant had liberty to sell, and no organization against a purchaser.

6005. Marquess of Salisbury.] And if the tenant in arrear was in possession of a holding, the value of which holding fully covered the debt due, you would regard that debt as fairly secured in ordinary times, would you not?

I would.

6006. In fact, that value of the holding would be your security?

Yes.

6007. You would look upon it as one of the assets of the tenants?

I would. The tenants interest in the farm is considered part of his chattel property.

6008. Chairman.] The tenant-right value of the holding has been looked upon as your security for arrears of rent, has it not?

Certainly. I frequently have come to that conclusion myself in years gone by. If there were three or four years' rent in arrear, and the tenant asked time to pay, I always tried to grant him time, believing that if he were ultimately obliged to sell, he would get perhaps treble or four times the amount of the arrears, and I have frequently got paid up to four or five years' rent out of sale in the same way.

6009. Marquess of Salisbury.] If you had not had that security to look to you would not have been equally indulgent, I suppose?

Certainly not.

6010. Marquess of Abercorn.] But in ordinary times you consider the tenant-right much more valuable than any arrears?

In my experience of 25 years I almost never yet knew a farm sold on which the arrears were not fully covered by the purchase.

6011. And

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Mr. DUNWOODY.

[Continued.]

6011. And more than covered?

Yes; more than covered.

6012. Marquess of Salisbury.] Therefore it has been your custom to look to the tenant-right as security for the arrears?

Certainly.

6013. And if that security is suddenly struck from under you, you will be in rather an unexpected position, will you not; that is if that security of the tenant-right is taken away?

I do not see that the Land Act would take away the present tenant-right so long as there is free sale between the tenants.

6014. Suppose a Bill were introduced into Parliament which enacted that the tenants should, under certain conditions, be excused the payment of his arrears to you without selling his tenant-right, your expectations would be very much disappointed?

They certainly would; and I think it would lead to considerable dissatisfaction amongst those who have paid their rent.

6015. You would consider that rather a serious confiscation?

Well, in some instances it might be a great boon for really poor tenants to get part of the arrears given to them.

6016. It would not be a boon to you, would it?

It would not; yet there are some instances, perhaps, where it would be a great matter to assist a tenant by forgiving a part of his arrears. Sometimes a tenant falls into arrears by no fault of his own; it may be that by the death of cattle, or expenses in a family, arrears will accrue on a holding, or by other circumstances over which tenant had no control.

6017. Would it be just to remit those arrears by Act of Parliament without taking the money out of the value of the holding?

I think there is considerable difficulty about that; because it looks like a premium to defaulting tenants who, in many instances, are not as industrious as their neighbours.

6018. Chairman.] The case that is put to you is this: suppose that there is a tenant who owes you four years' arrears of rent, you have allowed it to go on knowing that the tenant-right would sell for more than that sum. Suppose that an Act of Parliament passes which leaves him in possession of his holding and his tenant-right, and does not oblige him to sell it, but at the same time cancels his obligation to pay the four years' arrears of rent. Would you consider that to be just?

I think that it is a great hardship now for landlords to lose two or three years' arrears in cases where they have been really indulgent to the tenants, as in some instances I know they have, and where they might have taken possession long since for non-payment of rent.

6019. Lord Brabourne.] In letting your arrears run on for two, three, or four years, you may, in fact, have been very much in the position of lending money to a man whom you knew to have a substantial property of greater value than that money?

There is just this in it. Some of the tenants will come to you, and say, "If you do not oblige me to sell my cattle now I will make a great deal more of them in two or three months." You do not like to be harsh, you wish to give an opportunity to do so, and perhaps the cattle may die in the meantime. Therefore it sometimes occurs that those arrears will accumulate under circumstances over which the agent has very little control, and in consequence of his desire to be lenient.

6020. Is not that which I have put to you practically the case?

It turns out to be so.

6021. Then if the law should step in and say to the men to whom you have lent that money, that they are to keep the valuable property upon the security
(0.1.) R 3 of

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Mr. DUNWOODY.

[Continued.]

of which the money was lent, and that they shall be forgiven the loan, that would be a hardship, would it not, upon the person who had lent the money?

It would; but I would say that in some instances, perhaps, there are landlords who would be glad to get two years' rent out of the arrears.

6022. If they have a security in this instance which covers all their four years' arrears, would it not be rather hard to pay them for their indulgence to the tenants by confiscating two out of the four years' arrears?

It might be considered so.

6023. Would it not be an encouragement to tenants to fall into arrear rather?

I would be afraid that a great many injudicious tenants would regard it in that view. I am afraid that would be one of the evils of it.

6024. Marquess of Salisbury.] I suppose it is the expectation of some legislation of that kind that induces them not to pay?

I think they are keeping back money, in many instances, pending legislation.

6025. Earl of Pembroke and Montgomery.] Is it not directly the interest of tenants who are three or four years in arrear to keep their rent in their pockets now in order to have something, say a year's rent, to pay down?

I could not myself say so, but I have heard of such cases.

6026. I mean that now there is very little chance that any of those tenants in arrears will pay anything?

I think the tenants who are two or three years in arrear, especially in Mayo and other counties in west of Ireland, have no intention to pay for the present.

6027. Lord Brabourne.] Do you think it is easy to discover among the poorer class of tenants whether they can pay, and will not pay, or whether they cannot pay their rent?

I think there is considerable difficulty in that. I was told in Mayo, by a tenant last summer, that he had not the means of paying. I afterwards drove out of Westport rather early in the morning, and I found a considerable stock on the very farm that he said he could not pay from. I was there earlier than he expected.

6028. Was there stock more than sufficient to cover what was due?

I only asked for a year's rent, and I proved in court that I saw more than a year's rent of stock on the farm. I had left Westport at 5 o'clock in the morning, and got out to the place early, and before their was time to get the stock away.

6029. Lord Tyrone.] Were you quite satisfied that the stock belonged to him?

I was perfectly satisfied, because there was an effort to drive them off the farm the moment I appeared.

6030. Marquess of Abercorn.] I suppose there is no tenant-right in Mayo, or very little?

It was originally called "soil money;" that is, the incoming tenant would pay for unexhausted manures.

The Witness is directed to withdraw.

Adjourned till Tuesday next, at Twelve o'clock.

Die Martis, 27^o Junii, 1882.

LORDS PRESENT:

Duke of NORFOLK.
Duke of SOMERSET.
Duke of SUTHERLAND.
Marquess of SALISBURY.

Marquess of ABERCORN.
Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.

THE EARL CAIRNS, IN THE CHAIR.

REV. ROBERT WALSH, is called in; and Examined as follows:

6031. *Chairman.*] You are the Incumbent of Malahide and Portmarnock?
Yes.

6032. We understand that your father, the late Master of the Rolls in Ireland, made a purchase of property in the Encumbered Estates Court in the year 1862; is that so?

Yes.

6033. That property now belongs to you?

Yes.

6034. And during your father's lifetime were you accustomed to manage the property?

Yes.

6035. In what county is the property situate?
County Clare.

6036. What is the name of it?
Turlough.

6037. Will you give us the acreage and the present value of it?
One thousand two hundred and seventy-six acres, statute measure.

6038. What was the rental before any change was made?
The rental, when it was purchased, was, 309 *l.* 17 *s.* 6 *d.*

6039. And what was it at the time of the coming into action of the Land Bill?

£. 311. 0 *s.* 6 *d.*

6040. About 20 *s.* difference?
£. 1. 3 *s.* difference.

6041. What was the Government valuation?
£. 221. 5 *s.* Thus the rental is a little more than one-third above the Government valuation.

6042. What is the character of the land?
It is a peculiarity in itself; it is Burren land.

(O.I.)

R 4

6043. What

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Rev. R. WALSH.

[Continued.]

6043. What does that mean?

It means that it is chiefly rocky pasture. It is a speciality in Ireland. I know of no other part of Ireland exactly like it.

6044. Lord Tyrone.] It is a speciality in Clare, you mean?

In Ireland. There is no other land in Ireland that has quite the same characteristics as this Burren land.

6045. Chairman.] What is the average value of the different holdings?

There are more holdings at about 16 l. a year than at any other rent.

6046. What is the number of the tenants?

When my father bought the property the number was 23; the number now is 19.

6047. Will you explain the way in which the tenants use the land?

It is used principally for sheep farming.

6048. Pasture land; used for grazing sheep?

Yes. There is tillage land on it, but about three-quarters of this property is pasture land proper. It is what is called in the neighbourhood, "crag pasture land."

6049. Lord Tyrone.] Is it fattening land?

No.

6050. It is limestone land?

Yes; and I believe the proper description of it, where it is not "crag pasture," is, more or less, light arable soil, on a gravelly sub soil over limestone, and this, as a rule, may be considered a description of the barony of Burren, in the county of Clare.

6051. Chairman.] Are sheep wintered upon it?

Yes, on the higher "crag pasture."

6052. How is it that the number of tenants has been somewhat lessened since the property was bought; what led to the reduction in number?

My father's policy, and mine, was to reduce the number of holdings; because we thought that some of the holdings were too small for a tenant to live comfortably upon; so when a tenant was willing to go, we encouraged him to do so. For instance, I recently gave a tenant a year's rent to induce him to go; he owed me a little more than a year's rent, and was anxious to emigrate; his neighbour, who was also a tenant, was very glad to add his holding to the farm he held.

6053. Viscount Hutchinson.] You mean, that you gave him a year's rent over and above what he owed you?

Yes.

6054. Chairman.] And you re-apportioned the land among other holders?

Yes.

6055. Leaving the rents substantially the same?

Exactly the same. I never altered the rent by a sixpence.

6056. Lord Tyrone.] Did you get a fine from the other tenant?

No, I did not ask for a fine.

6057. Chairman.] Has anything been done since the purchase was made, about building, or re-building houses?

A great deal has been done.

6058. What has been done?

When my father bought the property in the year 1862 he and I discovered that the holdings interlaced a good deal, and that the tenants often had suits for trespass in the petty court of the neighbourhood; my father resolved to spend some capital on the improvement of the property; he at once employed a well known surveyor and valuer, and also one of the larger farmers in the neighbourhood, to re-apportion all the holdings, giving distinct directions that no increase

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REV. R. WALSH.

[Continued.]

increase of rent was to be made. The old rental was to be re-distributed over the new holdings. The process of reclamation in this district is rather a peculiar one; you do not drain, because underneath the subsoil there is all this porous limestone, and that drains quite sufficiently. You take the stones off the surface, and make dry walls of them, which serve the double purpose of clearing the land and providing shelter. All the farms were re-divided with leading strong division walls made between them, and leading cross walls made on each farm. Where a tenant was removed from the house that he lived in and that had to be thrown down in order to make the arrangements, a new house was built for him on the re-arranged holding at my father's cost; and in no case was the tenant charged anything on the expenditure.

6059. The whole of the improvements were effected at the landlord's expense?

Yes.

6060. Duke of Somerset.] They were chiefly buildings, as I understand you?

Walls, houses, and in some cases out-offices, were built.

6061. Lord Tyrone.] You would hardly call the cross walls, buildings, would you. They were for making fences?

Yes, for making fences.

6062. Viscount Hutchinson.] Could you say how much an acre the improvements would represent?

The total sum spent in about five years was 1,500 £.

6063. Chairman.] What was the amount of the purchase money for which the property was bought?

It was a little over 20 years' purchase.

6064. That would be about 6,000 £, would it not?

I did not make a note of the amount, not expecting the question; but it was, as I have said, a little over 20 years' purchase.

6065. Duke of Norfolk.] Then the arrangements you have mentioned called for no outlay at all on the part of the tenants?

No outlay of any kind on permanent improvements. The rule, ever since my father bought, and since I came into possession, has been that all permanent improvements made with the consent of the landlord should be paid for by the landlord, and they have been so paid for.

6066. Lord Tyrone.] Have you taken into consideration the question of whether you were cut out of the operation of the Act by that?

Yes; all the tenants have written agreements, and in the agreements it was covenanted that the tenant was to keep the buildings in tenantable order. Because it was not covenanted that the landlord was to do so, I was advised that I was not cut out of the operation of the Act.

6067. Chairman.] You were advised that you did not come under that Act?

Yes.

6068. Speaking of the time before the years 1878-9, were the rents punctually paid?

Yes, most punctually. I employed a sub-agent, but I invariably went down myself every half year for the rents, and oftener for pleasure.

6069. There was no difficulty in collecting the rents?

They were paid most punctually. It rarely happened that I did not bring back with me within 5 £. of the half year's rents, and never in a single instance, from the time my father purchased until the agitation began, had he or I to appeal to the law to get the rent.

6070. In 1877 and 1878, did that state of things still go on?

1877 in that district was an indifferent year; 1878 was a bad year, but
(O.I.) S 1879

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[Continued.]

1879 was a very bad year. The rents were paid fully up in 1877; 1878 was the first time they were not fully paid up, but they were fairly paid. In 1879, when I discovered what the state of things was, I could not ask for the rents, but I offered every man who paid me in November of that year 15 per cent. reduction of my own accord. That was before the agitation began about the abatements of rent.

6071. Fifteen per cent. reduction on that year?

Yes, 15 per cent. reduction on that year.

6072. Was there any other assistance given to the tenants at that time?

Yes; I found that the potato crop was a total failure in 1879, and I made arrangements with a leading firm in Dublin, and spent, what cost me, 60 l. on the best champion seed potatoes delivered to the tenants, and I took their I.O.U.'s to repay me nine months afterwards at 2d. per stone under cost price; in other words, I did not charge them for carriage, I only charged them what I paid the seed merchant. I also went their security for a little more than 60 l. with a local manure merchant, and took their I.O.U.'s for the money, not to be paid for a year afterwards. In the case of the potatoes, they all paid me promptly in the following November. In the case of the manure, some of them did not pay for some time, and some have not paid me yet.

6073. What was the character of the crops in your district in 1880 and 1881?

Splendid; I never saw finer crops.

6074. And for sheep, what sort of a time was it?

This district is celebrated for sheep pasture. When in other districts sheep were rotting in numbers, no sheep were rotting there; but whether it is due to the importation of infected sheep into the neighbourhood, or to some other cause in the last year, there have been some rotten sheep there for the first time. "Rotten" is a technical phrase for a particular disease in sheep.

6075. But as regards the price of sheep, what do you say?

The price never was higher than it has been this year.

6076. When the Act of 1881 came into operation, how many of the tenants took advantage of it?

This district was one of the most law-abiding districts in Ireland until this agitation began, and the peasants truthful and straightforward; but when the agitation came into the district, it seemed to change their character; last summer they practically struck, and refused to pay rent. As autumn came I tried to make terms with them. It was so unwelcome to me, after having been 20 years good friends with them, that we should be at law; that I did my best to come to terms with them, but I sought in vain to do so. The result was that I issued three ejectments and four or five processes in the Quarter Sessions Court at Ennistymon, which came on for hearing in the beginning of November, meaning to go through with at least some of them, to teach a lesson. Just at this time the whole country was talking of Mr. Justice O'Hagan's celebrated "live-and-thrive" speech, which had a great effect, in my opinion, in that neighbourhood. Then came the first decision in Belfast on the Land Act. I told the tenants at the time (really not thinking seriously that they would do it), "If you will not agree with me, you know we are all of us subject to the laws; appeal to the law, and let it decide between us." However, it ended in their serving these originating notices, and refusing to come to terms on any conditions that I could at all think reasonable, holding out, in some cases for a rent below Griffith's valuation; upon which I would wish to say a word to your Lordships before my evidence concludes.

6077. How many went into court?

Nine went into court.

6078. About half the total number?

Nine out of 19.

6079. And

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[Continued.]

6079. And these cases have been heard, have they?

Yes.

6080. What has been the result?

Very wholesale reductions; reductions amounting to one-third.

6081. Viscount *Hutchinson*.] Thirty-three per cent.?

The rent is brought a little below Griffith's valuation.

6082. *Chairman*.] This table gives the former rent paid for 23 years, the poor law valuation, and the judicial rent?

Yes.

6083. The Sub-Commissioners appear to have fixed the value of the tenancy as well as the judicial rent?

Yes; I do not know why they did so.

6084. Had there been any sales of tenancies before that time?

Yes; I had allowed some tenants to create an interest in their holding in carrying out this arrangement of amalgamation that I spoke of by permitting a sale to a neighbour.

6085. The total rent of these nice holdings was 170 *l.* 2 *s.*, Poor Law valuation 116 *l.* 15 *s.*, the judicial rent 114 *l.* 2 *s.*, and the valuation of the tenancies 485 *l.*, that is to say, rather more than four years of the judicial rent.

Yes. (*The document is handed in.*)

6086. Lord *Tyrone*.] Did you appeal in those cases.

I am appealing in five of them.

6087. *Chairman*.] Is it known whether, when Sir Richard Griffith valued the land in this part of the country, he took the wool into account in sheep farming?

It is a notorious fact that he omitted to take into account in valuing Burren land, the value of the wool of the sheep, which was one of the most important items of profit that the tenant made out of his sheep.

6088. Does the wool in your neighbourhood, as in some other places, pay the rent.

It pays much the larger part of the rent.

6089. Viscount *Hutchinson*.] Have you a hanging gale?

Yes.

6090. *Chairman*.] Who were the Sub-Commissioners?

Mr. Reeves.

6091. Mr. Reeves was the legal Commissioner?

Yes; the other two were Captain M'Causland and Mr. O'Keefe.

6092. What is Captain M'Causland; what is he captain in?

He was in the cavalry, in the Queen's service.

6093. And Mr. O'Keefe?

He was Professor of Chemistry in Cork College. Upon that subject may I be permitted to say that I feel very strongly the injustice of the value of my property being determined by the decision of a tribunal constituted as this, and most of these Sub-Commissions are constituted. Mr. Reeves is an able barrister, for whom, personally, I entertain a high respect, but he is a barrister, and not a valuer of land. Captain M'Causland was a cavalry officer, and Mr. O'Keefe's knowledge of farming must be more or less theoretical; they come to a district which is a speciality in itself, and one which you must be acquainted with in order to know the agricultural value of it. I am bound to acknowledge that they bestowed much time and attention to my cases, and showed me every courtesy, but I am also bound to say that I believe they are not competent as a tribunal to do justly in such cases. I feel it very strongly, and that their wholesale reductions have done me a great injustice.

(O.I.)

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6094. Did

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[Continued.]

6094. Did you produce evidence?

No; I preferred to rely upon the story of the property that I could relate.

6095. Lord *Tyrose*.] You did not produce a valuer?

No, I did not.

6096. *Chairman*.] Had the tenants valuers?

They had.

6097. What kind?

They had tenant farmers, and as one instance of the value of the valuers they produced, I may give you this: in the valuation that I told you of, made about 20 years ago for my father in the re-plotting of the holdings, he employed a professional surveyor, as I told you, and also a leading farmer in the neighbourhood. Another leading farmer in the neighbourhood, who is still living, assisted this farmer, Mr. Kerin, in his valuation. I discovered that this man, whose name I prefer not to give, was to be produced by two of the tenants as their valuator on this occasion. He put about half the existing rent on their holdings. Unhappily, when I heard of it in the middle of the village where the cases were about to be tried, I said, "I shall have him cross-examined as to his idea of the value 20 years ago." When he was called up for examination it was discovered that he had gone to a fair at a distance.

6098. Had you not the opportunity of cross-examining him?

No, because he did not turn up.

6099. He was not examined at all?

No; and I must suppose it was because he learned I recollected that he had helped Mr. Kerin 20 years ago in making his valuation he did not turn up. Now, that was a man whom I, before the agitation, should unhesitatingly have employed as a valuator, but I should not think, of course, of relying upon him since the agitation began. Had I produced skilled, impartial evidence of value, it would have been confronted with such evidence as this man's; skilled enough, but certainly not impartial; and I believe I should have given the Court an excuse for a compromise between the two very different estimates of value.

6100. Lord *Tyrose*.] Are you aware whether Captain M'Causland had any knowledge of land beforehand?

I heard him speaking of Galway land, but though there is Galway limestone it is not the same quality as this Burren crag pasture, which, as I have stated, is a speciality in itself.

6101. *Chairman*.] But then, I suppose, the chief element of the case would be to know what amount of stock the holdings would bear, would it not?

Of course a great deal turned upon that.

6102. That is a question of fact that there could not have been much doubt about?

Well, there was a great deal of difference of opinion about it.

6103. You mean difference of evidence?

Yes.

6104. There was a conflict between the tenants on the one side and yourself on the other?

Yes, between the tenants on the one side and myself on the other side; and the reason why I adhered to my opinion was, that at the time I spoke of in 1879, when I visited the property to see what I could do, I thought of investing money myself in putting stock on the farms where the tenants had lost many sheep, letting them make the profit on them, and being secured in the repayment of my capital; the statements as to the tenants' losses I found to be much exaggerated, I did not feel there was need for carrying out my idea, I took a census of the stock on their farm at the time, which I felt perfectly certain was not an over estimate of the amount, and I had that census by me, and it showed

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[Continued.]

in some cases that they had twice as much stock as the amount given in evidence that the farms could hold.

6105. But after all, that would hardly be admissible as evidence, to counter-vail positive testimony to what the stock was at the then present time?

It is possible that the Sub-Commissioners looked at it in that way.

6106. The stock might not have been there?

It was not there. I am satisfied that the tenants had nothing like their stock on the lands when the Sub-Commissioners visited them. A little incident happened in the course of their visit, which I did not like to notice, as we were not in court, as we were passing along the road adjoining one farm, the tenant who had, I know, a good flock of sheep, brought us, as if by accident, to a corner where there was a very diseased sheep, and he stopped us and began to tell the story of this and other diseased sheep to the Sub-Commissioners; indeed I believe that between the absence of a large proportion of the tenants' sheep, and the presence of some that were unhealthy, and of whose ownership I had my own suspicions, the visit of the Sub-Commissioners to the lands, like the evidence in court, did not tend to the arriving at just decisions.

6107. But still, what is to be borne in mind, I suppose, is, that the Sub-Commissioners were at the mercy of those tenants unless there was some evidence to set them right?

I did not think myself justified in giving that opinion then, as we were not in court; I was silent about it.

6108. Have you been able to form any opinion as to the extent to which the evidence of valuers can be obtained by landowners for these trials now?

I think it is very difficult for them to obtain reliable valuers; they cannot be at all sure of what the motives of their valuers may be; for instance, in the past most landlords would get a farmer to help to value, but what landlord would think of getting a farmer for that purpose now; should I with the experience I have mentioned.

6109. Do you observe a considerable difference in the feeling of the country generally as between landowners and the holders of farms?

I do; a decided change.

6110. In what way?

There is not the same friendly spirit, and in some cases a positive spirit of antagonism is shown, a surly disobliging spirit, where, heretofore, there was a courteous spirit shown.

6111. How many of those cases of which you have spoken have you appealed in?

Five of them.

6112. Can you tell the Committee what has been the expense of the proceedings in the court below?

I cannot; I have not got my solicitor's bill of costs. It was only last month that the decisions were given.

6113. You cannot tell what the expense has been?

I cannot.

6114. Why have you not appealed in more than five cases?

The remaining four are cases of small holdings, and the Chief Commissioners have announced that where the court valuator they employ differs from the decision of the Sub-Commissioners to a small amount only, in favour of the landlord, they will leave the rent as it is.

6115. Marquess of Salisbury.] Have they announced that?

Oh, yes; I read it in the newspaper is all I can say.

6116. You mean to say that that rule is to operate only where the difference is in favour of the landlord?

That was the impression left upon my mind.

(O.I.)

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6117. Chairman.]

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Rev. R. WALSH.

[Continued.]

6117. *Chairman.*] How do you state the rule which you say has been laid down?

Where the value put upon the holding by the court valuator differed from the value put by the Sub-Commissioner, only a little, in favour of the landlord (that is the way my recollection runs), then they would not alter it.

6118. *Viscount Hutchinson.*] Only in favour of the landlord?

That is the way my recollection runs.

6119. *Chairman.*] Without its having been stated in that way, must it not always be so, practically, we know there have been hardly any appeals by the tenants?

Yes.

6120. I suppose the appeal is in 99 cases out of 100 by the landlord, and therefore it may be that the rule was laid down in general terms that though they, if they had been fixing the rent in the first instance, might have fixed it a little higher than the Sub-Commissioners have done, still they would not upset the decision of the Sub-Commissioners merely for the sake of a few shillings or a few pence?

In the case in question my recollection is that it was more than 1 l.

6121. On what sized holding?

I could not say; I wish I had made a note of it. It specially caught my attention because it decided me very largely in the case of the four decisions that I did not appeal to, for I said to myself, I may not hope to get much of an increase in these cases, forming my opinion from the decisions already given all round the country, and if anything near these reductions holds good, I possibly shall not have the rents changed, and may have the expense of the appeal in vain.

6122. I do not see how you apply that to your cases; you cannot know what the Court valuator would say?

I cannot; but I remember distinctly that the Chief Commissioners stated "the Court valuator puts a little more than the Sub-Commissioners, but we will not alter it."

6123. *Lord Tyrone.*] I think it is hardly stating it correctly, is it, to say the Court valuator; because the Court valuer makes a valuation, that is not necessarily the valuation which the Chief Commissioners take. After that valuation is made, the Chief Commissioners take a certain sum of money for the tenant's improvements from it; is not that so?

Yes, they take all the improvements into account afterwards, but in my case they have no tenants' permanent improvements to take into account.

6124. Therefore you would hardly be correct in stating it as you at first put it?

Possibly I should have modified my statement, but I do not think, much.

6125. May I ask whether this estate has many charges or mortgages upon it?

No mortgages.

6126. It has not?

Only in this way: on my marriage I charged it with an annuity for my wife, and I bound myself to make use of it, or its proceeds, as I might think well for my children.

6127. Possibly, if you had looked forward to a large reduction of rents you might not have put so large an annuity upon it at the time of your marriage?

Certainly I should not, nor should I have done what I have done at all if I had an idea of what was coming; on the contrary, I should have sold it at once.

6128. The question is, whether you would have charged it so heavily?

I certainly would not have charged it so heavily, or in the way I did charge it.

6129. *Lord*

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[Continued.]

6125. Lord Salisbury.] How many tenants have you?

On this property 19 now.

6130. Are many of them in arrear?

Yes, I am owed more than two years' rent. I have got very little rent since this agitation began.

6131. No rent at all?

I may say almost no rent. I am owed something more than two years' rent.

6132. Viscount Hutchinson.] On the whole property?

On the whole property.

6133. Marquess of Salisbury.] Do you imagine that that is because they cannot or because they will not pay?

There are three tenants who have been always more or less poor; but every one of the rest could, every year, have paid me. Of that I am convinced.

6134. From what I see of the value of the tenancy in the statement which you have handed in, every one of them could pay you two years' rent by selling his tenancy?

Yes; but the Land League will take good care that nobody shall buy for such a purpose as that. At present, that provision of the Land Act is in that respect inoperative.

6135. Chairman.] Which provision is that?

Putting the value upon the holding, and considering it any security to the landlord for his rent, it is not the smallest security. No tenant would dare to buy one of those holdings at that value in order that I should be paid my rent.

6136. Have these reduced rents been paid to you?

No; but I am in hopes that some of them will be paid, for I offered to take the rent until matters are finally decided at the rate that the Sub-Commissioners fixed, and in the remaining cases at about Griffith's valuation. I have other means and other property, but it was becoming a serious inconvenience to me to be without some 700*l* (as it was) out of a moderate income, and I could not go on paying out money for legal and other expenses and getting no rent, so I had to try and make some terms, and I thought it better to lose something that I might do so.

6137. Marquess of Salisbury.] Even so; have you got your rent paid?

No, I have not.

6138. Viscount Hutchinson.] Have you got two gale days in the year?

Two gale days, November and May, and the tenants always paid up on the 26th of June punctually, and on the 22nd of November, except when those dates fell on a Sunday.

6139. And there is two years' rent due to you exclusive of the hanging gale?

There is about two years' rent due exclusive of the hanging gale.

6140. Marquess of Salisbury.] Exclusive of the hanging gale?

Yes. Of course some tenants owe farther back than others. There were two tenants even at the height of the agitation who sent me the rent privately; they said they could not bear that they should fall out with me, and they went to a distant post town, and posted it to me privately. However, the next half year the agitation had them too.

6141. Viscount Hutchinson.] What is your market town?

Ballyvaughan. It is three miles by a pathway, and practically five miles by road.

6142. How far is that from a railway?

Ballyvaughan is 12 miles from the railway, and this property is nine miles.

6143. Marquess of Salisbury.] Do you imagine that those tenants have kept the money in their pockets, or in banks, or spent it?

(O.I.)

S 4

I think

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[Continued.]

I think some of the smaller tenants have got rid of it, and I think that is the story to be told pretty much over the country.

6144. Most of the smaller men have got rid of it, you think?

I think so. It has never been their habit to save money. I can speak from knowledge of that as a clergyman as well as a landlord. I was a country clergyman in a different part of Ireland before I became a Dublin clergyman; it has been all my life an interest to go into these matters; I have devoted some attention to it; my opinion is, from what I know of different parts of Ireland, that the smaller tenants have not got the money in their pockets now.

6145. Viscount *Hutchinson*.] Did they ever have it in the course of the last two years?

Certainly they had.

6146. You think that they could have paid their rent if they had chosen?

I think the larger part of them could. That year of 1879 coming so very bad after the two rather bad years before it, of course tried several of them very much.

6147. Marquess of *Salisbury*.] So far as your experience goes, you say that most of the tenants of this class, that is to say under 30 *l.*, are in arrear, and have spent the money which should pay their debts?

I think they have in many cases.

The Witness is directed to withdraw.

Mr. JOSEPH WRIGHT, is called in; and Examined, as follows:

6148. *Chairman*.] You are a Solicitor practising in the county of Monaghan?

Yes.

6149. And you own land and are also a land agent, are you not?

Yes.

6150. Among the properties you are connected with is there one belonging to a Mr. and Mrs. Henderson?

Yes.

6151. You are trustee for them, I believe?

Yes, under their marriage settlement.

6152. Where is that property?

It is situate in the county of Monaghan, within about two miles of the town of Ballyhoy.

6153. What is the acreage?

The acreage is about 312 acres.

6154. And what is the rental?

About 253 *l.* yearly.

6155. What is the number of tenants?

There are 16 tenants on it.

6156. They are small holdings, are they not?

Yes, averaging about 16 *l.* per annum.

6157. Was it purchased in the Landed Estates Court?

Yes, for 6,000 *l.*

6158. In what year?

In the year 1871, at about 23½ years' purchase.

6159. Has

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Mr. WRIGHT.

[Continued.]

6159. Has any change been made in the rent since it was purchased?
None whatever.

6160. Do you know whether any change had been made for some time before the purchase?

The tenants stated that there had been no change for the last 40 years, or thereabouts.

6161. Viscount *Hutchinson*.] That is stated by the tenants?
Yes, they admitted that.

6162. *Chairman*.] How many of the tenants have served notices under the Act?

Nearly all.

6163. And how many have been heard?
I think about five.

6164. Have you got a list of those cases and the reductions made?
Yes. (*The document is handed in.*)

6165. The old rent of those five cases amounted to 67 *l.* 4 *s.* 1 *d.*?
Yes.

6166. The judicial rent to 50 *l.* 5 *s.*, a reduction of 17 *l.*?
Yes.

6167. The Poor Law valuation is 48 *l.*, and the judicial rent 50 *l.* 5 *s.*?
Yes.

6168. Was there any question about improvements?
No, there was not.

6169. The tenants did not claim to have made improvements?
Some of them claimed to have built their own houses; the landlord built others.

6170. That is generally assumed to be the case, is it not?
It is.

6171. Duke of *Somerset*.] What sort of houses are they?
Some of them are small slated houses.

6172. *Chairman*.] Had the rents been raised in consequence of that?
No, never. No advantage was taken of any improvements.

6173. Was any reason given by the Sub-Commissioners for the reductions?
None whatever; we do not know at all upon what principle they have yet proceeded.

6174. Who were the Sub-Commissioners?
We had two sets. Mr. Hodder was, I think, one.

6175. Was he the legal Sub-Commissioner?
I think he was.

6176. Who were the other two?
I do not recollect just at this moment.

6177. Was there an estate which you purchased yourself under the Church Temporalities Commission?

Yes, which cost me about 700 *l.*

6178. Where is that?
In county Mayo.

6179. Near what town?
Near Westport.

6180. What rent was it held at?
At a head rent of 68 *l.* 1 *s.* 7 *d.*, in addition to which I have rent charge and drainage money to pay.

(O.I.)

T

6181. A rent

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MR. WRIGHT.

[Continued.]

6181. A rent charge of how much?

£. 4. 2 s. 10 d.

6182. And how much quit rent?

Three shillings.

6183. And what is the drainage charge?

£. 6. 6 s. 1 d.

6184. That made altogether, how much?

£. 78. 13 s. 6 d.

6185. Then you paid for the fee-farm grants?

The entire thing cost 700 l. altogether.

6186. At this rent?

Yes.

6187. Paying this rent at the same time?

Yes. There was a valuation made by Messrs. Brassington and Gale some years ago, at the time the lease was originally taken out, and they valued the lands at 114 l. a year.

6188. That would be about 78 l., and 5 per cent. on the 700 l.?

Yes, about that.

6189. What do the tenants pay?

£. 143. 5 s. 6 d.

6190. Were these rents punctually paid?

They were punctually paid up to 1879, without any grumbling.

6191. Has there been any rent paid since then?

I have not got 1 s. since then.

6192. And you continue paying the 78 l. odd a year, I suppose?

They have not yet pressed me to pay that; in fact, I have refused to pay it at present, in order that the Ecclesiastical Commissioners may bring ejectment against me and my under-tenants. That is the reason why I have not paid rent.

6193. If they bring an ejectment against you they must clear the estate of all the tenants?

Yes.

6194. Have these tenants served originating notices?

They have all served notices, and their cases have been heard.

6195. What is the result?

The decisions reduce the rent to about 100 l. a year.

6196. From 143 l.?

Yes. The original rent, on the valuation made by Brassington, was 114 l. 6 s. The Sub-Commissioners have reduced it 14 l. 6 s. below Brassington and Gale's original valuation.

6197. Do you know what the Poor Law valuation was?

I do not.

6198. Has this 100 l. a year been paid by the tenants?

No.

6199. It has not produced the rent any more than the other?

No; they have paid no rent at all for the last three years.

6200. Are they able to pay rent?

Yes, quite able. Perhaps there may be two or three tenants out of the whole who would not be able, but all the others are quite able.

6201. Have you taken steps to recover the rent?

I have given instructions to bring ejectments against them all, but I find it nearly impossible to get that done.

6202. Lord

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Mr. WRIGHT.

[Continued.]

6202. Lord Tyreac.] Have you appealed in those cases?

No, I have not; they are too far from me. I live a long way from the place, and do not think it worth my while to go to the expense.

6203. With regard to the first estate that you spoke about, what is the average reduction?

It is about 25 per cent.

6204. Is that estate mortgaged or charged?

No, that estate is not; that is trust property.

6205. If these reductions go on will a fourth of the rental be taken away by them?

Certainly a fourth.

6206. Viscount Hutchinson.] What class of tenants are those on the Westport estate?

All small.

6207. The ordinary Galway men, I suppose?

Yes; they are quite well able to pay, but for the agitation.

6208. Lord Tyreac.] What will be the margin left you?

I will have almost no margin.

6209. No margin?

Very little.

6210. Chairman.] A nominal margin of 20 *l.*, is there not?

Yes, but I have to pay 78 *l.* out of 100 *l.*, and then I have to pay poor rates and other things, and the cost of collecting the rent. I do not think I will make 5 *l.* out for what I paid 700 *l.*

6211. Lord Tyreac.] Therefore, you would say that the effect of the Act upon this property is to have entirely taken it away from you?

To sweep it away from me altogether.

6212. And it is possible if a bad year were to come, and poor rates were to be increased, that it would become a minus quantity?

Certainly, and I should be very likely obliged to give it up, because I could not keep the head rent down.

6213. Viscount Hutchinson.] Do you see any desire on the part of the tenants, since their rents have been fixed at 100 *l.* a year, to meet you at all?

Not the smallest.

6214. Have they not approached you at all?

No. On the contrary, I have given directions to a solicitor down in Mayo to collect the rents for me. It is such a distance that I could not attend to it.

6215. I do not mean that, but that the tenants have not shown any desire to pay?

No, none.

6216. Chairman.] Is there another estate which you are agent for, that of Mr. C.?

Yes, that is an estate which I am solicitor for, and know something about.

6217. That is the county Monaghan?

That is the county Monaghan also.

6218. How many tenants are there?

There are a good number of tenants there. The tenants number about 115.

6219. What is the total rental?

£. 1,856.

6220. Taking the total rental at 1,856 *l.*, I want to ask you the details of the outgoings, but I will take them as they are put before me here: interest on a
(0.1.) loan

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Mr. WRIGHT.

[Continued.]

loan of 17,500 *l.*, income tax, bailiff's salary, poor rate, drainage charge, quit rent, rent charge, agent's fees, and jointures; what does the total of those amount to?

£ 1,679. 15 *s.*

6221. That is 1,679 *l.* 15 *s.* out of 1,856 *l.*

Yes.

6222. What margin is left?

176 *l.* 19 *s.* 6 *d.*

6223. Have these tenants served originating notices?

Nearly all of them.

6224. How many have been heard?

Only four cases have been before the Court, and I think the reductions made have been about 20 per cent.

6225. One-fifth.

Yes.

6226. Are there more cases to be heard?

There are a great number more to come on.

6227. Next month?

Next month, in July.

6228. And supposing, which we may hope may not be the case, that the reductions were at that rate all round, it would do more than sweep away the margin?

It will not only sweep away the 176 *l.*, but bring it into a deficit of close upon 200 *l.* a year in order to pay the outgoings. We pay the Church body alone 770 *l.* a year.

6229. Viscount *Hutchinson*.] Is that interest on purchase of glebe land?

No, a loan borrowed on the estate.

6230. *Chairman*.] The mortgage is with the Church body?

Yes, for 17,500 *l.* It would leave a deficit of close upon 200 *l.* a year if the reductions are continued.

6231. Those who would suffer would be the jointures, I suppose.

The jointures would suffer.

6232. They would suffer first?

Yes, a widow with five children, would suffer first.

6233. Lord *Tyrene*.] What was Griffith's valuation of this estate?

I am not sure that I can give you that. I may mention to your Lordships that it was always considered a very lowly-let estate.

6234. *Chairman*.] There is another estate that you are connected with in the county Monaghan; Mr. Kaine's?

Yes, that is another.

6235. And how many tenants are there on that?

There are 96.

6236. What is the rental?

£ 864 a year, and all through that estate is let under 6 per cent. over the Government valuation.

6237. Did you make any offer to sell to those tenants?

I did, by direction of Mr. Kaine.

6238. On what terms?

He told me, he would lend the one-fourth, the Government giving the three-fourths, and to undertake that the whole sum would not exceed the amount of their present rents.

6239. What did they say to that offer?

They all refused it.

6240. Why

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Mr. WRIGHT.

[Continued.]

6240. Why did they refuse it?

They refused it, stating that they believed that before the 15 years expired there would be further legislation, by which means they would get their lands for perhaps nothing, or almost nothing.

6241. Viscount *Hutchinson*.] Did they say "nothing"?

Yes; I had 20 or 30 tenants with me in my office, and said, "I am directed by Mr. Kaine to offer you all your holdings at your present rent, if you choose to purchase; Mr. Kaine will advance or allow the one-fourth to remain out on the land on your borrowing from the Government the other three-fourths, undertaking that the whole annual payment would not exceed your present rent in any case."

6242. Lord *Tyrene*.] Including the rates and taxes?

Including everything.

6243. Did you mention the rates and taxes?

No, I did not.

6244. Marquess of *Salisbury*.] That question did not arise?

It did not arise, but I really meant their present rent.

6245. Lord *Tyrene*.] You meant that their out-goings should be no more than they are at present?

That is what I meant by it.

6246. *Chairman*.] Did any of them make you an offer?

None, except one or two said they might give 13 or 14 years' purchase of the present rent, but not more.

6247. Marquess of *Salisbury*.] And the reason why they said that was, that they expected legislation which would be much more beneficial to them?

They did; in fact, they laughed at me when I offered it.

6248. *Chairman*.] Did you make a similar offer in the case of Lord Rathdonnell's property?

I did not, but I know that the agent did.

6249. Was that refused also?

That was refused also.

6250. Marquess of *Salisbury*.] On the same ground?

I do not know; I am not prepared to say that, but I know they refused it. He offered to do it under the 35 years' system.

6251. Then what is your experience with regard to this and other similar cases, and what is your opinion of the effect of the Land Act upon the state of the country?

I think it has had a most demoralising effect, and it has made people who were heretofore honest, very dishonest. I do not deny that there is some poverty in Ireland; I believe there is considerable poverty among some of the small tenants, but as a rule they are very well able to pay their rents, and always did do so until this agitation got up, and some of them have money in their pockets now, and are refusing to pay their rents, simply because they think this Arrears Bill will wipe out the greater portion of it.

6252. Do you consider that the effect of the Arrears Bill has been to make the tenants who have the money wherewith they could pay their rent, refuse to pay it?

I do. I have no hesitation in saying that it is so in many instances.

6253. You have no hesitation in saying that?

None.

6254. Viscount *Hutchinson*.] I suppose they look upon it as an advantage under the circumstances to owe as much as they do?

Yes. In fact, I was asked by one tenant not to press him for the rent at present; he did not give me any reason, but I knew perfectly well what the reason was.

(O.I.)

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6255. Lord

27th June 1882.]

MR. WRIGHT.

[Continued.]

6255. Lord Tyrone.] Do you anticipate that the rents after they have been fixed by the courts are likely to be better paid?

I hope they will; but so far I have no reason to say so, because I am aware that now legal proceedings are being taken against the tenants for the fixed rent, so that that does not look very well.

6256. I suppose you have professional experience of the position of a good number of properties in the north of Ireland?

Of some I have.

6257. What is your impression with regard to the properties generally in Ireland. Do you think that they are largely mortgaged?

A great many of them are. I know one instance myself of a property of about 4,500 *l.* a year in my own county, and after paying the charges and annuities and jointures, the present income is only about 600 *l.* a year.

6258. Marquess of Salisbury.] That is before it has gone to the Commissioners?

Yes; and now several reductions have been made, and if they continue on this property there will not be one shilling of margin to the present owner, who, I may say, was a gentleman of good position, and supposed to have 4,500 *l.* a year.

6259. Chairman.] I did not quite understand the present margin. How much do you say it is?

About 600 *l.*

6260. Is that what the owner lived upon?

The yearly rental was 4,361 *l.*; there was head-rents, 517 *l.*; rent-charge, 131 *l.*; agents' fees, bailiffs, insurance, taxes, 490 *l.*; that came to 1,139 *l.* 8*s.* 2*d.*; leaving an income of 3,222 *l.*, out of which there were annuities of 700 *l.* a year, and there was interest on bond and mortgages of 1,900 *l.* a year, leaving net to the proprietor, 620 *l.* 17*s.* 1*d.*

6261. So that all he had to spend was the 600 *l.*?

That was all.

6262. That he will lose?

Yes; every shilling of it if reduction continued.

6263. Lord Tyrone.] Then he will have nothing left to live upon?

Not one shilling out of that property.

6264. Are you aware of any more cases of the same description, without mentioning names?

I do know other properties that will be in a similar position if reduced.

6265. That if reduced in the proportion and the form in which the same class of land is being reduced now, the margin will be entirely swept away?

Almost swept away; not perhaps entirely. I know one instance in which there is a property of 14,000 *l.* a year where the outgoings and mortgages are between 6,000 *l.* and 7,000 *l.* If that property is reduced it will certainly leave the owner less than 4,000 *l.* a year.

6266. Are you aware whether in those cases the rents have been changed lately?

They have not been changed for a long time, that I am aware of.

6267. And generally throughout, from your experience of Ireland, do you think that the effect of the Act will be to ruin a great number of people?

I have no doubt about it.

6268. Land is entirely unsaleable now, is it not?

It is unsaleable; I do not think I could get 10 years' purchase now for a property I was before offered 20 years' purchase for; I mean that property in Mayo.

6269. What do you anticipate will be the result of those gentlemen being ruined when they cannot sell their estates?

I really

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Mr. WRIGHT.

[Continued.]

I really do not know what will become of them, unless they have other private means, which many of them have not, I think.

6270. Do you think that the estates will eventually be sold to the tenants at a nominal price?

I hope not; I would suggest, if I was asked my opinion, that the property ought to be bought up from the landlords; that fair and reasonable compensation should be given to them by the Government, and that then it should be resold to the tenants, if they must have it.

6271. Do you consider that something will have to be done to render land saleable again?

I do; to render it saleable within a reasonable time, unless there is a great change in everything that is going on now.

6272. That is to say, a change in the decisions of the Court?

Yes.

6273. You think that something will have to be done to make land saleable again?

Yes, I do.

6274. At present it is in a dead-lock?

Yes, and totally unsaleable.

6275. And those who are utterly ruined by this Act will be still tied to their properties?

Unless the Government buy them up.

6276. Without power to dispose of them?

Yes.

6277. Marquess of Salisbury.] With respect to this property of Mr. C., at what interest was the Church Loan advanced?

Four-and-a-half per cent. I should like to say a word as to the mode in which the Commissioners try these cases; 100 cases are listed for hearing at one session. Now I had 10 cases of my own in County Monaghan; I went to a great deal of expense to get a valuator, who went over the property, and not one half the cases were gone through; I had to bring a valuator 50 miles to go over these 10 tenants' farms at great expense, and it was all thrown away, and I do not know when the cases will be heard; that was a very considerable expense.

6278. I think you said the tenants on Mr. Kaine's property were not mainly in arrear?

No, they are not; but several of them owe more than a year's rent.

6279. They do not owe more than about a year's rent?

As I have already stated many of them do.

6280. Are any of the tenants, on properties with which you have to do, in arrear?

Yes, some of them; some of them owe two year's rent, some more.

6281. Do you think that they have got the money in their pockets, or do you think they have spent it?

I should think some have got it in their pockets, and some have spent it?

6282. You could not say generally?

No. I find that when I press tenants, and say, "you must pay this rent," they come in several times, and give all the trouble they can, before they pay 1s., and then, if you are very strict with them, and say you have no alternative but to proceed against them, they will afterwards come in and say that they have borrowed money from someone else, and pay it.

6283. Lord Tyrone.] And you do not credit that information, as a rule?

Oh! no; as a rule I do not.

6284. Marquess of Salisbury.] Have you been present at any of the decisions of the Sub-Commissioners?

(0.1.)

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Yes,

27th June 1882.]

Mr. WRIGHT.

[Continued.]

Yes, I have ; a good many. I have never visited the land with them, but I have been present in Court.

6285. Did you form, yourself, any idea as to the principles on which their decision was framed ?

I did not, unless it was that they struck a mean between the two valuers. If they went out to a man's farm, and saw it poor, and that he had so cattle on it, and the land was weedy, and all that, they would say that this land is not worth more, and we reduce it ; but I think they have felt bound in every case to reduce it, and that they would not be doing their duty as judges unless they did reduce it.

6286. No matter whether the rent they were considering was a low or a high one ?

Whether it was fair or unfair ; unless they reduced it, they felt that they were not doing their duty, and they reduced it.

6287. Viscount *Hutchinson*.] That was the only principle you could possibly find ?

Yes, the only conclusion I can arrive at.

The Witness is directed to withdraw.

Mr. HARRY S. SANKEY, is called in ; and Examined, as follows :

6288. *Chairman*.] You are the owner, are you not, of an estate in County Cavan, called *Billess* ?

Yes.

6289. Near Virginia ?

Yes.

6290. What is the acreage of it in round numbers ?

The statute acreage is 2,106 acres 23 perches.

6291. How many tenants are there on it ?

There are 74 tenancies, but some of those tenants hold two farms. I dare say there are about 64 or 65 tenants.

6292. Are they chiefly under 20 *l.* ?

As well as I recollect, I think so. I could scarcely say whether the mass of them were under 20 *l.* or not, but I think they are ; I have no doubt they would be.

6293. What is the rental ?

The rental is 1,367 *l.* 14 *s.* 2 *d.*

6294. How much is the Government valuation ?

The Government valuation is 1,123 *l.* 18 *s.* 2 *d.*

6295-6. The rental, therefore, is about 15 per cent. above the valuation ?

No, I do not think it would be ; about 21 per cent.

6297. When was the valuation of Cavan made by Sir Richard Griffith ?

I fancy it was about the year 1854.

6298. Nearly 30 years ago ?

Yes.

6299. How long have those rents been running on without alteration ?

Since the year 1857.

6300. And what has tenant-right generally sold for ?

From 8 *l.* to 10 *l.* an acre ; that is what was allowed. It would have gone at a great deal more.

6301. Had the tenants the right of turbary ?

No ;

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MR. SANKEY.

[Continued.]

No; but by paying a shilling a year they were given so much bog for their own use, but not to sell.

6302. Were the rents punctually paid until lately?

The rents were always punctually paid until lately.

6303. And no complaint was made by the tenant?

No. In my time I do not recollect any complaints.

6304. Under the Act were there originating notices served, and how many? I fancy there are between 25 and 30 originating notices served.

6305. And how many have been heard?

There have been just five cases heard.

6306. Have you got a list of what the result has been of those cases?

I have not a list, but I can give you the general result of the five cases before the Commissioners. The total of the rent involved in the five cases before the Sub-Commissioners was 97 *l.* 7 *s.* 5 *d.* per annum.

6307. What was the reduction by the Sub-Commissioners?

The Sub-Commissioners reduced it to 78 *l.* 10 *s.*; I got 3 *l.* 10 *s.* on appeal.

6308. The 97 *l.* odd was reduced by the Sub-Commissioners to 78 *l.* odd?

Yes, to 78 *l.* 10 *s.*

6309. That again was raised by the Commissioners to what?

£82.

6310. What was the percentage on reduction, as it stood, after the judgment of the Chief Commissioners?

It is about 15 per cent.; a fraction over.

6311. Did the Commissioners employ a valuer of their own?

They did.

6312. Did they tell you what his valuation was?

Yes, it was stated; I have not got the figures with me, but here is a note out of the evidence. It says, "The tenants were unable in three cases to prove any improvements. The Court valuer stated the farms were worked out, and no improvements; he put about 3 *l.* to 4 *l.* per annum more than the Sub-Commissioners upon each farm with one exception" (that is, the Court valuer), "did. Counsel called Judge O'Hagan's attention to this, and his Lordship's reply was, 'We know this, but there must be some improvements.'"

6313. Marquess of *Abercorn*.] What was the name of the Court valuer?

I am not prepared to say, but I think it was a Mr. Russell. "They then proceeded to fix the rents in one case at the value of the Sub-Commissioners, and to split the difference between the Court valuer and the Sub-Commissioners in two cases, notwithstanding there being proved deterioration." That is, they gave judgment about 12 per cent. underneath what their own valuer put upon the land.

6314. Lord *Tyrone*.] When their own valuator said the land was deteriorated?

He said the land was deteriorated, and in three cases there were no improvements.

6315. Viscount *Hutchinson*.] I understand these are appealed cases?

This is on appeal.

6316. This is the final decision?

This is the final decision.

6317. *Chairman*.] What was the expense of trying these cases?

The expense to me was, surveyors and valuers, 26 *l.* 16 *s.* 6 *d.*; law expenses before the Sub-Commissioners, 23 *l.* 4 *s.* 4 *d.*; ditto, on appeal, 30 *l.* 9 *s.* 4 *d.*; total, 80 *l.* 10 *s.* 2 *d.* for the five cases. If you wish to know the rental of the estate in 1850, it was 1,295 *l.* 15 *s.* 3 *d.*

(O.I.)

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6318. Marquess

27th June 1892.]

MR. SANKEY.

[Continued.]

6318. Marquess of Salisbury.] Against what?

Against the present valuation of 1,367 *l.* 14 *s.* 2 *d.* It was only raised in 1857, and it has not been raised since.

6319. How many tenants have you got?

There are 74 different holdings, but some of the tenants held like two farms; some of them had a farm in one townland and a farm in another.

6320. What amount of valuation would be the average?

Do you mean the annual letting value?

6321. No; Griffith's valuation?

I could not say.

6322. They vary very much?

They vary very much.

6323. Some large and some small?

Yes; you see some Griffith's valued entirely for corn land, and the land is totally different now. His valuation in the south of Ireland is no criterion of the letting value of land.

6324. I rather wanted to know the class of the tenants; are they small tenants or large; have you any large tenants?

I have some large tenants. I have got some men paying 40 *l.*, and 60 *l.*, and 64 *l.* a year rent.

6325. Have you many small tenants?

Yes, there are a lot of small tenants on one townland, notably.

6326. Do they pay well up?

They always paid very fairly; but of course small tenants are more apt to be backward than big ones.

6327. Are they well up now?

Yes, very well up now.

6328. They are not affected by agitation?

I cannot say that the tenants on my estate are, positively; that is to say, they are not refusing to pay.

6329. But are they paying?

They are paying. Of course where there are small tenants men always will want time.

6330. But there is no organised refusal to pay?

There is no organised refusal to pay; none whatever.

6331. Lord Tyrone.] With regard to your valuer, did he put much the same value upon these holdings as the Court valuer did?

They went within a few pence; from 6 *d.* to 1 *s.* an acre of each other. It was less than 1 *s.* an acre from each other in some instances, and less than 1 *s.* or 2 *s.* of each other, in some instances, on the total letting value of the farms.

6332. Were they close to the existing rents; that is, the rent before the judicial rents were fixed?

They were very close to them.

6333. And the Court valuer, I think you said before, said that there were no improvements?

In three cases he said there were no improvements, and the other improvements have been made within the last three or four years, or within the last three years, I may say. I know of two farms as to which he speaks of improvements upon, and the tenant of one is a man who has just come in for it about three years, and has made a good deal of improvement.

6334. But the rent has not been raised on him since he made his improvement?

No.

6335. Were

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Mr. SANKEY.

[Continued.]

6335. Were all the improvements proved to have been made since the rents were raised?

Yes, many years since.

6336. What class of weather was it in which the Sub-Commissioners examined your land?

They went over the land the third day before Christmas, that is, on the 22nd December last, and there had been a fortnight's frost; there was strong ice on the river, and the land was as hard as that table, and as white as that envelope. I think there was a slight skin of snow and frost together on the land, or hail, or a sort of rough snow. I brought out a pick, thinking they would want it to break the land.

6337. Did you use it?

No; because these fellows had been hooking it before. They had been hooking at holes for their own amusement.

6338. The tenants?

Yes, the tenants had been doing amateur valuing of their own, and had hooked holes in it.

6339. Would the tenants be likely to make a hole in the best description of the land?

No, by no means. They took all the little skulls of the hills, where the soil was shallow. In one or two places they made mistakes, of course, and came into deep places.

6340. Did not the Sub-Commissioners require to see some of the best land broken for the purpose of judging the nature of the soil?

When I tell you that they ran over the land in less than two hours, you will see that they could not do much, but just look at the surface.

6341. Viscount *Hutchinson*.] What was the extent of the land traversed?

The farms were separate. It is not like running over a lot of farms together. They had to go to different farms, and I daresay they must have run over 250 or 300 acres.

6342. Between what hours?

Between three and half-past four o'clock. They were to have met me at 12 o'clock, and I waited from 12 till three o'clock.

6343. Marquess of *Salisbury*.] And part of that time was after sunset?

It was dark when they were getting on their car to go away.

6344. Lord *Tyborne*.] And at the same time the land was so hard that it was impossible for anybody to examine the subsoil, as I understand?

Perfectly hard; I do not think they could have examined the subsoil; at any rate, they could have been no judges of what was growing on the land. It would be utterly impossible for them to judge as to that.

6345. Was there any stock on the land at the time?

There was stock upon some of it, but it was not weather in which you could leave stock out, because the snow on the land would leave them nothing to eat. They were feeding them on hay, mostly, in the houses.

6346. Therefore the Sub-Commissioners saw the land almost barren of stock?

They saw it almost barren of stock, as you say.

6347. Which would not lead them to place any very high value upon it?

No; their going over it was the veriest farce out. Two of them walked along the top of the hills, Mr. Hodder and Mr. Weir, and Mr. Bomford walked in the hollows. That is the way they did it, and they raced over the land as hard as I could walk.

6348. Marquess of *Salisbury*.] Were the three Sub-Commissioners out?

The three Sub-Commissioners were out.

(0.1.)

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6349. Is

27th June 1882.]

MR. SANKER.

[Continued.]

6349. Is not that very unusual?

No, I think not; they always seem to me to go in packs, the whole lot. They went over my brother's land, and then the three of them went out together.

6350. Then the legal Sub-Commissioner was valuing like the rest?

Yes, and along with them; but the only man amongst them who knew anything about it was Mr. Bomford; he and Mr. Weir were assisting Mr. Hodder.

6351. Marquess of Abercorn.] It is a very uncommon thing for the legal Commissioner to go with them, is it not, he knowing nothing of the land?

Not a single thing.

6352. Lord Tyrone.] Do you think the effect of the decisions will be to bring most of your tenants into Court?

I am convinced that every tenant on the estate will eventually go into Court with those decisions before them.

6353. Do you think there is the slightest chance of your being able to make a settlement with them out of Court?

Up to the present time I have been utterly unable to, except in one instance, and in that one instance I gave the man a settlement at less than what I believe to be the value of his farm, to induce the rest to come in, but I could not induce one of them to come in.

6354. May I ask whether there are heavy outgoings on your estate?

There are.

6355. I do not wish you to specify them, but would you name about the amount, if you have no objection to naming it?

There is not one of these outgoings created by myself; they are all left to me along with the estate. I include in this, poor rate (the average poor rate for three years), the county cess, and income tax for three years, and the whole lot of them come to 966 *l.* 8 *s.* 7 *d.*

6356. That would leave a margin of about how much?

About 401 *l.* 5 *s.* 7 *d.* At present I am managing my own agency. If you put the agent's fees on to that, that will be another 70 *l.* Supposing I was obliged (which I might at any moment be) to put the estate in the hands of an agent and leave it, that would be another 70 *l.*, which would leave considerably less than the amount I have stated.

6357. Therefore you consider if those reductions go on, the whole of your margin will be swept away?

I consider that not only will the whole margin be swept away, but that with the usual time required by Irish tenants, I shall be in "queer-street" in a very short space of time.

6358. You would have really nothing left?

Practically, nothing left.

6359. Are you aware whether there are many landlords who are in something like the same position as yourself?

There are plenty of them; there are heaps of men who are encumbered, and encumbered not by themselves, but by their predecessors, just in the same way that I am encumbered.

6360. You, I think, I understood you to say, have never put a shilling by way of mortgage upon the estate?

I have never put a shilling of mortgage on to benefit myself; I was obliged to raise 5,800 *l.* to pay off legacies that were left when I was left the property, and for which, of course, I had to find the money.

6361. You would hardly call that putting it upon the property yourself?

No, there is nothing on the estate that I have borrowed, personally, for myself.

6362. Not a shilling?

Not a shilling.

6363. Yet

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MR. SANKEY.

[Continued.]

6363. Yet if these decisions go on you will have the whole margin swept away?

I shall have the whole margin swept away; and in fact I should say that I shall very likely be in the Bankruptcy Court by coming into the property; that is the way I look at it.

6364. Have you never had any difficulty with your tenants before these times?

I never had any difficulty until this Act passed; I never had a cross word with one of them until this Act passed.

6365. And you were always prepared to give them time and every consideration?

I was always prepared to give them time, and to do everything I could for them, but of course now I have been obliged to call in my arrears, and do everything I can; and, in fact, to become very close, naturally, to defend myself.

6366. You think there is no possibility of selling your estate?

Well, I think that would be a very troublesome matter with trustees; I should be delighted to sell it, if I could sell it.

6367. Marquess of Salisbury.] Could you find a purchaser?

I wish I could. I am very certain that no man in his sane senses at this minute would buy an acre of land in Ireland with tenants on it; no man, unless he were preparing for a lunatic asylum, would think of buying land with tenants upon it; in fact, I do not see what security he would have for his money.

6368. Lord Tyrone.] And the tenants are not prepared to buy, are they?

I have not asked them, but I should say that they are not; I know the feeling of the tenants is that if they work the present agitation they will eventually get their land for nothing; in fact, some of them have openly stated as much.

The Witness is directed to withdraw.

Adjourned to Friday next, at Twelve o'clock.

Die Veneris, 30^o Junii, 1882.

LORDS PRESENT:

Duke of SOMERSET.
Marquess of SALISBURY.
Marquess of ABERCORN.
Earl of PEMBROKE and MONT-
COMERY.

Earl CAIRNS.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSPORT.
Lord BRADBOURNE.

THE EARL CAIRNS, IN THE CHAIR.

MR. HENRY A. JOHNSTON, is called in ; and Examined as follows :

6369. *Chairman.*] You are a member of the Irish Bar, I believe.
I am.

6370. And you are an owner of property in the counties of Antrim and Donegal ?
I am.

6371. Have you some land in your own hands ?
I am agent for my father, and I manage a farm of 150 acres for him.

6372. What is the name of your father's property ?
It is situated at Kilmore, in the county of Armagh, near Richhill ?

6373. How many acres is it ?
The estate that I understand I am now being asked about comprises 475 acres. My father has other property in the county.

6374. We will confine your attention to this estate of Kilmore ?
It is 475 acres.

6375. How many tenants are there ?
Fifty-five.

6376. And what is the rental ?
£. 628. 9. 1.

6377. And the Government valuation ?
About 700 l. gross.

6378. So that this is a case in which the actual rental is below the Government valuation ?
It is.

6379. Was that estate purchased from the Church Temporalities Commission ?
It was in 1878.

6380. Did you know the property before it was purchased ?
I did.

6381. Had the rents been unchanged for a long time before the purchase ?
(0.1.) U 4 They

30th June 1882.]

Mr. JOHNSTON.

[Continued.]

They had. As far as I could find out they had on two townlands for upwards of a hundred years not been changed.

6382. On two townlands for upwards of a hundred years the rents had not been changed?

So far as I understand.

6383. And was that the case with respect to the other?

In the other a slight rise was made in 1840, I believe, but on that townland the rents even now are very low.

6384. Viscount *Hutchinson*.] How are they with reference to the other townland?

I should say that the highest rent would be about 27 s. an acre, and on the other townland they would be about 30 s.; I should say that there is a difference of 3 s. or 4 s.

6385. I mean on the other townland you alluded to, and as to which you said the rent was raised in 1840?

Yes, I think the highest rent on that townland is 27 s. an acre; the average would be about 24 s. an acre.

6386. And on the other a little less?

A little more. It is very good land; it is all wheat-growing land; heavy rich clay on a limestone bottom.

6387. *Chairman*.] Had a wish been expressed by the tenants to your father that he should purchase this property?

Several of them asked him to purchase. He was the clergyman of the parish.

6388. For what reason did they wish him to purchase?

They came to him and said they were not able to buy themselves, and were afraid of the rents being raised, and they thought that if he purchased he would be a good landlord.

6389. I believe your father would have been glad to have purchased only a part, if the Commissioners would have sold it?

A very small portion. What happened was this: only six tenants having purchased, the Commissioners announced that they were prepared to sell the residue of unused holdings to the general public; Mr. Johnston wished to purchase one of the townlands, the rental of which was 174 l. 3 s. 5 d.; I made a proposal for him to the Commissioners for the purchase of this townland; the offer was accepted provisionally, provided no higher offer was made. Then there was competition, and they announced that they would sell the whole property in one lot by auction.

6390. What was the purchase money?

£. 14,800.

6391. Was a part of that left as a charge upon the property?

Yes, half the amount of the purchase, 7,400 l. 7 s. 2 d., was paid down, and the balance remains as a charge to be paid off in twenty years, principal and interest, in half-yearly instalments.

6392. What is the amount of the half-yearly instalment, or the yearly instalment; you had better take the yearly instalment?

The yearly instalments come to 541 l., and I may say that after paying those instalments and paying the outgoings, the landlord only receives about 15 l. a year as interest on the 7,400 l. 7 s. 2 d. that has been paid.

6393. Viscount *Hutchinson*.] That is in fact the profit he makes out of the state?

He gets about 15 l. a-year for it.

6394. *Chairman*.] Has your father given employment to tenants?

Yes, very largely. In the last three winters he has given very large employment.

6395. What

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6395. What was the number of years' purchase that the 14,800 *l.* represents?

About 23 years' purchase.

6396. So that after the charges that would have given on the rental that you mentioned, if the money had been paid, about 4 per cent., would it not?

About 4 per cent., I think.

6397. Have the rents been punctually paid until lately?

They have. Seventeen tenants have served notices to have fair rents fixed, and all those tenants paid their rents on the 6th of December last, that is for the previous year; down to the 1st November last year, the rents were paid on the 6th December last.

6398. What rents were those that were paid up to the 1st November?

The rents of the 17 tenants who have gone into Court.

6399. Was there a hanging gale?

None. The rents were all paid up to the 1st of last November.

6400. Viscount *Hutchinson*.] You receive your rents yearly?

That is so. I believe the Commissioners of the Church Temporalities did for a short time collect the rents half-yearly, and of course we are at liberty to do the same, but the custom has been to take the rents yearly.

6401. *Chairman*.] Seventeen of the tenants, I think you say, went into Court?

Seventeen of the tenants have gone into Court. Out of those 17 one man tells me that he did not authorise anyone to instruct the solicitor to issue an originating notice, and that he has no intention whatever of proceeding with it.

6402. Some kind friend served it for him?

Some kind friend served it for him; and the largest tenant on the property, who pays a rent of about 35 *l.* a year, has told me that he does not intend going on either, but since then the present Sub-Commission have sat in the county and given very large reductions on the estate. They have made a reduction of 25 per cent., and I should think that this tenant would change his mind now.

6403. Marquess of *Salisbury*.] What Sub-Commission is it?

Mr. Romney Foley is the chairman, and Mr. Meek and Mr. Davidson are the two lay Commissioners.

6404. Do you know anything of Mr. Meek?

I never heard of him until he was appointed a Commissioner, but I have heard a good deal about him since, and I have made inquiries about him.

6405. What have you heard?

I have heard that he was at the last two contests in Derry and Tyrone, actively engaged as a canvasser and election agent for the two Liberal candidates; that he is a man who has identified himself very much with the tenants' agitation at a tenant-right meeting at Cookstown; he stated that his grandfather carried a pike in '98, and that he was a chip of the old block; that he has been engaged (before he was appointed a Sub-Commissioner) in giving evidence on behalf of tenants, and that in some cases he put a most ridiculous value on the holdings.

6406. Viscount *Hutchinson*.] Was he a professional valuator?

He is not a professional valuator. Before I left Dublin I met a gentleman who is agent of an estate in county Tyrone, who told me that he had arranged with the tenants to have an arbitration; that the tenants should appoint a valuator, and the landlord a valuator, with power to call in an umpire; that the tenants had nominated Mr. Meek; he therefore declined to have the arbitration, as he did not consider Mr. Meek qualified as a valuator, and thought that he was not the class of man who was likely to do equal justice to both parties. This was the agent's opinion, therefore the arbitration fell through and the tenants went into Court and produced Mr. Meek, who gave evidence, and I have got here the

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figures

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figures as to the valuation made by Mr. Meek and the figures of the judicial rents, and I have been told that, on other properties, Mr. Meek's evidence was even lower in proportion.

6407. Marquess of *Abercorn*.] Do you know what Mr. Meek's status or position was before he was a Commissioner; I believe he belongs to Cookstown, does he not?

He belongs to the neighbourhood of Cookstown.

6408. What was he before?

I believe he has a small farm on the estate of the Sultors' Company, near Moneymore.

6409. He was a tenant farmer himself?

He was a tenant farmer himself, and I should say, from what I am told, his farm is a very small one, perhaps not more than 60 or 70 acres.

6410. Lord *Brabourne*.] Do you know him of your own personal knowledge? I only know him by having appeared before him as a Sub-Commissioner.

6411. But with regard to all his electioneering undertakings, it is only hearsay, is it?

It is not only hearsay, but these things are notorious. One hears them from the reports of newspapers and from one's own personal friends. I live in the county of Armagh; Tyrone is the adjoining county, and I know the county Tyrone very well indeed. I am an elector of the county Tyrone, and I have opportunities of knowing what is going on.

6412. Marquess of *Salisbury*.] There is no doubt whatever, is there, that previous to his appointment he was working actively for Mr. Porter at Derry?

He was, and there is every reason to believe that he got his appointment on account of his services at those two elections in Derry and Tyrone.

6413. At all events there is no doubt that Mr. Porter stood very much upon the question of reduction of rents?

Very much indeed.

6414. And Mr. Meek, before his appointment as a Sub-Commissioner, was strongly assisting him in his canvass?

Certainly.

6415. Lord *Brabourne*.] At all events you have every reason to believe that what you have told us about him is fact?

I have taken great interest in it, my father having property in the county, and Mr. Meek sitting there as a Sub-Commissioner, I made it my business to make inquiries, and I am satisfied that what I have stated is correct.

6416. *Chairman*.] In the 17 cases on your father's property, how many have been heard?

Two have been heard.

6417. Have you got the figures as to the judicial rent?

I have got the figures here; perhaps I had better read them out. The first tenant is Mary McAtasney, area 15 acres 2 roods, old rent 24 *l.*, Government valuation 22 *l.* 10 *s.*; the valuation of Mr. Murrough O'Brien, made for the Church Temporalities Commission, puts down the letting value at 24 *l.* a year, and the saleable value (that was for the purpose of selling to the tenants under the purchase clauses of the Church Act) at 25 years' purchase of the existing rent. The valuation made by Mr. J. C. McBride, a well-known professional valuer, is 23 *l.* 13 *s.* 6 *d.*

6418. *Chairman*.] When was that valuation made?

That was made about two months ago. Mr. McBride, in giving his evidence, said on his direct examination, that he considered the present rent fair. He explained to me that when he goes over a farm he is obliged to make a field by field valuation, and unless he added on pence to the acre he could not make the tot come out at what the old rent would be; but having taken all into consideration, he was satisfied that the present rent was not only fair but reasonable. The valuation made by Thomas Gray, Mr. Johnston's steward, and a very competent man, was 26 *l.*, and the judicial rent was fixed at 18 *l.* 10 *s.*

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The valuer produced by the tenant stated that the full commercial letting value would be 21 l. 5 s.; that is adding the tenant's interest and the landlord's interest together. Then there is a second holding, and the figures are much the same. (*The document is handed in, vide Appendix.*)

6419. Who is Mr. Gray; what valuer is he?

He is not a professional valuer. He is the land steward of Mr. Johnston; he is intimately acquainted with the value of land in the immediate locality, and what the land is capable of producing. Mr. Johnston's own farm adjoins one of those holdings. I should like to state that in 1880 or 1881, the tenants applied to have their rents reduced, not on the ground that the rent was high or excessive (several of them at the same time distinctly stated that the rents were not high), but on the ground that other landlords in the same district were giving large abatements, and that therefore we should do the same, and I remonstrated, stating that the Commissioners of the Church Temporalities would expect us to pay our instalments in full, and that if they memorialised the Commissioners I would be very glad indeed if I could get them an abatement. I said I thought the rents very fair, but, at the same time if they thought they were not fair they were at liberty to sell for the best price they could get, and if they could get no one to buy from them, to come to me, and I would pay them 10 l. an acre. As a matter of fact, one man did come to me, having first tried his neighbours, and I paid him 75 l., which was at the rate of 10 l. an acre for 7½ acres, taking the farm, which was in a very bad state, off his hands, and he expressed himself very well satisfied; I also, on behalf of Mr. Johnston, gave him a small present in money.

6420. Viscount *Hutchinson*.] That farm is now in your hands?

That farm is now in our hands. Two of the other tenants sold their interests for prices higher than 10 l. an acre. One of them was a man who was in debt, and we made him a present of a year's rent. He was anxious to go either to America or to some of the Colonies, but owing to the difficulties he was in, he has not been able to go.

6421. How many years' purchase does 10 l. an acre represent?

It would be about seven years' purchase.

6422. That is what you offered him?

Yes.

6423. And with respect to those farms of the others tenants who sold in the open market, what do you suppose they got?

I believe they sold at about 12 l. an acre. What I am anxious to mention is, that here is a tenant who has sold his land, has not got the means to emigrate, is most anxious to go, and there are no means that I know of for enabling him to get away; he has a large family, and is most anxious to emigrate.

6424. That is a man who was in debt?

He was in debt, and he has not got the means left after selling his farm with which to go.

6425. He is practically stranded?

He is working in a quarry, and is occupying a house, which he undertook to give up to the man who bought; but he has not yet gone, and is living there as a trespasser.

6426. Has he refused to give it up?

I believe so.

6427. *Chairman*.] Two cases you say have been decided; have you appealed in those cases?

Certainly.

6428. When do the others come on for decision?

We cannot tell; we have no means of knowing. They have not been listed yet.

6429. Are more of the tenants going into court?

I should think they would all go into court if on appeal these reductions are confirmed.

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6430. Where

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6430. Where is the land situated, is it near a town?

It is about seven miles from Armagh, about four from Portadown. It is within easy reach of four lines of railway. On the railway to Derry from Portadown the station is about three miles off; there is a line from Armagh to Newry within three miles, and there is the line at Rich-hill, which goes to Clones, about two miles off. In fact, they have access to all parts of Ireland by these different lines. There are two large markets; one in Portadown and one in Armagh.

6431. Viscount *Hutchinson*.] With regard to that question of the sale of tenant right, of course tenant right exists; you are under the Ulster custom, are you not?

We are.

6432. Can you give me any idea of the average rate of tenant right for any number of years?

On this estate, as far as I can find out, the custom was, under the former rector of Kilmore, to allow only 5*l.* an acre; but, during the time that the estate was under the management of the Church Commissioners, I know one case where the tenant right sold at 20 *l.* an acre.

6433. When the estate was in the hands of the Church Temporalities Commissioners, the tenant right you believe to have been practically unlimited?

I believe so. The rents were paid into the Bank of Ireland, and there was no one to look after the estate, and it got into a very bad state. The estate became vested in the Church Temporalities Commissioners on the 24th January 1871, when the last rector died, and remained in their hands until July 1878; so that for more than seven years they had the management of it.

6434. It was in 1878 that your father bought it?

It was.

6435. What is the form of conveyance given by the Church Temporalities Commissioners?

I have it here. "We, the Commissioners of Church Temporalities in Ireland, under the authority of an Act passed in the thirty-second and thirty-third years of the reign of Her Majesty Queen Victoria, chapter forty-two, shortly intitled 'The Irish Church Act, 1869,' in consideration of the sum of 7,400*l.* 7*s.* 2*d.* by Richard Johnston, of Kilmore, in the county of Armagh, clerk in holy orders, paid into the Bank of Ireland to our account, and of the further sum of 7,399*l.* 12*s.* 10*d.* secured by indenture of mortgage bearing even date herewith, do grant unto the said Richard Johnston those portions of the towns and lands of Annahugh, Annaboe, and Bottle Hill, situate in the barony of O'Neiland West and county of Armagh, containing 475 acres and three perches statute measure, or thereabouts, as now in the possession of the tenants on the said lands set out in the schedule hereto, with the appurtenances, to hold the same unto the said Richard Johnston, his heirs and assigns, for ever, subject to the lease and tenancies set out in the said schedule, and also subject to such rights of common, rights of way, and other easements (if any) as now effect the said premises. In witness whereof, we, the said Commissioners of Church Temporalities in Ireland, have hereunto affixed our corporate seal," &c. Then there is the schedule giving the acreage and also the rents.

6436. That is the only document you have recording anything that may have taken place upon the property before it came into your hands?

That is all, except the valuation made by Mr. Murrough O'Brien (as to the letting value and the saleable value of each holding for the purpose of fixing the price to be paid by each tenant if he wished to purchase his holding under the tenants' purchase clause in the Irish Church Act), of which the Commissioners had furnished me with a certified copy; that is certified by the officer of the department who had charge of it.

6437. Still the fact remains, that you purchased this property in 1878, and in 1882 you are taken into court, and have to combat certain facts which are brought

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brought before the court by the tenants, and you yourself have no power of finding out any facts which enable you to contradict them?

None whatever.

6438. Which places you at a great disadvantage?

At a very great disadvantage. Tenants go into court and give evidence of improvements which they say were effected by their grandfathers at a time when they were not born, and that is taken by the court as evidence.

6439. Lord Tyrone.] Did you produce any other evidence, such as the letting value of the land near the holding?

I did; I had a witness who would have proved that in the years 1874 and 1875 he auctioned some meadows adjoining the meadows of one of those tenants (I have the figures here), and he would have proved that those meadows realised prices varying from 4 l. 10 s. to 7 l. an acre. The tenant has six acres of meadows of the same character, and one of the witnesses for the landlord stated that he considered she could pay the entire rent by the meadows alone. I also could have proved the letting value of other land in the immediate locality of the same character, but I was told by Mr. Foley that his colleagues would not have time to go and value other lands, and he certainly was not going to ask them; the evidence was accordingly excluded. I subsequently gave Mr. Foley a written statement, calling his attention to the fact that I had proposed to tender such evidence, and asked when judgment was delivered that they would state their reasons for declining to accept the evidence.

6440. Which they did?

Which they did not do. The statement also contained several other very important points which I asked to have decided.

6441. With regard to what you said just now about Mr. Meek as a Sub-Commissioner, was the valuation which he made for the tenants extremely low?

It was extremely low. I have the figures here.

6442. I do not think we require the figures; but was it so low that the Sub-Commissioners refused to accept it as a valuation?

I believe so.

6443. Did they put the rents very much higher?

Very much higher.

6444. Have you got anything further to state with regard to these decisions in your own cases?

I have. I consider that the decisions were not at all warranted either by the valuation of the land or by the evidence. I consider that if anything the existing rents should have been raised, certainly not reduced, and I pressed upon the Commissioners as strongly as I possibly could that the rents were fair and reasonable. In fact I told them that they could not, under the circumstances, make the reduction, and that the evidence given by the tenants was wholly unreliable; and I relied strongly upon the valuation made by Mr. Murrigh O'Brien for the Church Temporalities Commissioners. I should say that Mr. O'Brien was produced, and Mr. O'Brien was a most unwilling witness; it was most difficult to get him to state what his views were. In fact he denied that he had made a valuation with reference to the letting value of the land at all, and I was not allowed to put the questions to him that I wished to put, and in fact Mr. O'Brien's evidence was of no assistance.

6445. Marquess of Salisbury.] Why do you say you were not allowed to put the questions you wished to put?

The solicitor on the opposite side objected; and I may say that all through the inquiry the Commissioners' object was to suppress evidence on behalf of the landlords; there is no doubt whatever about it. I asked Mr. O'Brien to produce his field notes; he stated he had destroyed them. Mr. Foley said even if he had his notes he would not be required to produce them.

6446. Lord Tyrone.] Had you Mr. O'Brien's valuation?

I had, and I tendered it in evidence. It is a certified copy. According to the rules laid down by the Land Commission, if you wish to give in evidence documents that you obtain from the Land Commission, they must be certified by

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the officer of the proper department; and here is the valuation made by Mr. Murrough O'Brien for the Commissioners, furnished to me by the Commissioners, and certified by their officer to be a true copy.

6447. Viscount *Hutchinson*.] Furnished to you by the Land Commission?
By the Land Commission.

6448. In whom the functions of the Ecclesiastical Commissioners are now merged?

Yes, and to whom we pay our instalments.

6449. Lord *Tyrene*.] And you have a very large sum of money to pay yearly?

A very large sum, indeed.

6450. What will your margin be?

Our margin, after we pay the instalments and the outgoings, does not leave more than about 15 *l.* a year to represent interest on the sum of 7,400 *l.*, which Mr. Johnston has paid to the Commissioners of the Church Temporalities.

6451. Is that before or after the judicial decisions?

Before.

6452. You only had 15 *l.* a year before the judicial decisions?

Before.

6453. Therefore, since the judicial decisions, I suppose it would be a minus quantity?

Of course; only two cases have been decided. They have reduced the rent of 24 *l.* to 18 *l.* 10 *s.*, and they have reduced a rent of 5 *l.* 7 *s.* 6 *d.* to 4 *l.* 5 *s.*

6454. *Chairman*.] Striking seven pounds off the two, I believe?

Yes.

6455. Lord *Tyrene*.] Do you anticipate that most of the tenants will come into court?

I should think if these decisions are confirmed on appeal that they would be very foolish if they did not.

6456. Then if the same reduction was to go on you would be paying the Commissioners of the Church Temporalities a very much larger sum than you were receiving?

Certainly, very much larger. I urged upon the Commissioners that these rents had been paid for upwards of 100 years, because in both these cases the tenants admitted that those rents had been paid for upwards of 100 years, without any abatement, and that *prima facie* a rent paid for such a period of time is a fair rent. I quoted to them the Report of the Bessborough Commission. I told them what my view was of the policy of the Act, and I cited a judgment delivered by a county court judge, Mr. Charles Kelly, in which he said, unless the rents were excessive or extortionate, he had no power to interfere; that was his view of the Act; and I pressed as strongly as I could Mr. Kelly's view of the Act.

6457. You bought the property from the Church Commissioners with what you supposed to be a guarantee of title, and also a guarantee of the rents that the tenants were then paying?

Certainly, and also with the idea that if at any time we wished to do so the rents could be raised. It was not bought as a mercantile speculation; but we knew that, if at any time circumstances rendered it necessary, the rents could be raised.

6458. Viscount *Hutchinson*.] On the termination of a tenancy?

Certainly. There is not the least doubt the tenants themselves expected the rents to be raised. Six tenants purchased, and the only reason for purchasing was that they did not know who would be the purchaser, and fully expected that the rents would be raised; and two of them have told me that they would not have purchased if they had known Mr. Johnston was going to buy, because they are now in a worse position than they were before. A man, called Robert

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Hutchinson, purchased a small holding, paid down a quarter of the purchase money; the balance is secured by a mortgage to be paid off in 32 years, principal and interest; and he is actually paying a larger sum to the Commissioners than he was paying rent. He has also to pay the entire poor-rates, and the quarter of the purchase money is simply sunk, and he gets no return from that at all.

6459. Do you think he borrowed that money?

No, I think not; I think he had saved it out of the proceeds of the farm.

6460. Lord Tyrone.] Are you acquainted with many estates in the north of Ireland, I mean, as to whether there are mortgages and charges on the estate?

Yes, I am.

6461. Do you believe that there are a very large number of estates seriously mortgaged?

I know that there are estates in our neighbourhood which are very heavily mortgaged indeed. On one estate, which is very heavily encumbered, the rents have been reduced very considerably; I should say from 30 to 40 per cent.

6462. Do you consider that if these reductions go on, the margin will be swept away on a great number of those estates?

Most unquestionably.

6463. And the proprietors of them will be ruined?

I should say so. In the county of Armagh there are an immense number of very small proprietors, some of them in the rank of peasants, and they have, as a general rule, to pay a head rent to the Church Commissioners too; because a very large portion of the county of Armagh belonged to the church, and was held under bishop's leases; they have been converted into fee-farm grants; the middlemen, say, have from 30 to 40 acres, and they have this land sub-let, and in several cases those rents have been very largely cut down, and I should think there would be a very small margin left after paying the head-rents.

6464. Viscount Hutchinson.] In some cases there would be no margin at all?

In some cases there would be no margin at all. I know one set of cases that was before the Armagh Commission this time. The man who was trustee for the parties considered that it was better to settle with the tenants, giving them the rate of reduction which the Commissioners were giving, and it was understood that when that was done there would be nothing left; they are people in a very humble rank of life.

6465. Lord Tyrone.] I suppose that many of those people who purchased these small properties made their money in farming, or in shopkeeping, or various ways of that sort?

Yes, there is one case of a butcher in the City of Armagh, Mr. Edgar, who saved a sum of from 4,000 *l.* to 5,000 *l.*, and invested that in the purchase of a small property near Armagh, within about two miles of the city, and one rent was reduced from 45 *l.* to 35 *l.*, and other holdings were reduced in proportion.

6466. Therefore these men, who have made their money in trade or in the pursuit of farming, will lose what they invested upon Government security?

Certainly; I think his case is a very serious case. I may say that the landlords in the county of Armagh have no confidence whatever in the decisions of the present Commission. They think that the Act is not being administered by them according to the intention of the Act of Parliament.

6467. Marquess of Salisbury.] Do you mean the Commission or the Sub-Commission?

The Sub-Commission; and there is really very little encouragement to appeal from those decisions, because the principles upon which the Head-Commissioners go I do not think are at all fair. They employ a valuer; he goes on to the lands, and he values the landlord's interest and the tenant's interest together.

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He values just as he finds the lands; he makes a report, and the Chief Commissioner says, "The difference between our valuer's report and the decision appealed from, after deducting improvements, is so trifling, that it is not worth while to make any alteration, and therefore we confirm the decision." Now, tenants are allowed to give evidence as to improvements; for instance, they claim for fences, which I do not think at all add to the letting value of land, say on a small farm of 10 acres. If the landlord took those farms into his own hands, the probability is that he would remove half the fences.

6468. Lord *Brabourne*.] The fences are very often a question for the occupier; one occupier may wish to have it, and another may wish it away?

One occupier simply puts it down for his own convenience. In one of the cases we had, the tenant was asked what were his improvements, and he proved that he planted a hedge and removed a hedge. On cross-examination I elicited that he had simply taken up a hedge here and put it down there.

6469. Viscount *Hutchinson*.] A growing hedge?

Yes, he raised it from here to put it down there, simply for his own convenience?

6470. Lord *Brabourne*.] You could not tell whether he was allowed for both improvements, could you?

The Commissioners do not give any reasons or state on what they base their decisions. Another thing I complain of very much is, that although I argued the case very fully, and put forward a great many points which I thought ought to receive consideration, in giving judgment they gave no reasons, and I understood that I would get notice when judgment was going to be given. At 12 o'clock on the day that judgment was given, a telegram was delivered at Kilmore, saying that at half-past two on that day judgment would be given. I was away, and did not receive it until six o'clock in the evening.

6471. What distance were you from the court; could you have gone if you had been at home?

I should have gone if I had been at home; I live seven miles off.

6472. Could you discover any principle on which the Sub-Commission decided on these rents?

I think the principle is to give a reduction varying from 25 to 40 per cent.; they seem to be under the impression that their mission is to reduce rent. The witnesses for the tenants are allowed to tell the most palpable falsehoods, and no attempt is made by the Sub-Commissioners to discourage them.

6473. Is it your idea that reduction is made whether the land is high-rented or low-rented?

Certainly.

6474. Then the landlord who has exacted high rents comes off the best?

Certainly. The chief Sub-Commissioner says, "I do not know anything about the value of land; my colleagues will go out, and they will see the holdings." They do so, and whatever report they bring back seems to be what is acted upon; the chief Sub-Commissioner does not seem to take any part whatever in fixing the rents.

6475. Have you many tenants in arrear?

No, none.

6476. Viscount *Hutchinson*.] You say you have appealed in these cases?

Yes, we have appealed.

6477-8. On what ground?

On the ground that the reductions are thoroughly unjustifiable. I, as a practical farmer, know the value of land; I know what I could do with the land if I had it in my own hands; I know what it is worth; I know what I should have to pay the tenants if they wished to sell; I know what I could let the lands for, if in my own hands. I have no confidence in the decisions that have been given, and I wish to test the decisions to the fullest extent.

6479. Lord

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[Continued.]

6479. Lord Tyrone.] Do you consider that the decisions have been getting worse lately in your district?

I do. We have had a second Commission. Mr. Fitzgerald, Mr. Mabony, and Mr. Comyn were rather more moderate in their decisions, but the tenants on one of the estates thought they did not reduce the rents low enough, and they burnt the Commissioners in effigy. Those Commissioners are transferred to another county, and Mr. Foley, Mr. Davidson, and Mr. Meek have been sent to Armagh, and the impression the tenants have is that they have been sent there on purpose, because the reductions made by the previous Commissioners were not low enough; one of the tenants told me so.

6480. Viscount Hutchinson.] Have you any instance of tenants appealing?

Yes, on the estate of Mr. Cope there have been several appeals from decisions of the last Commission.

6481. What was the result?

They have not been decided.

6482. Did they appeal because the rents were raised, or because they were left in *statu quo*?

Because the rents were only reduced about 13 per cent.

6483. Earl of Pembroke and Montgomery.] You told us just now that you were not very well satisfied with the way in which the Chief Commissioners behaved about improvements; they did not add anything to the letting value of the land, but how do you know that the Chief Commissioners made any deductions on account of improvements that did not add to the letting value of the land, such as fences?

I judge from the reports I have seen of their decisions, and from conversing with persons who have been before them.

6484. They did not say anything themselves which could possibly give such an impression, did they?

What I understand them to say is this, that the Court valuer values the land as he finds it, the tenants give evidence that they have made certain improvements and that those improvements have cost so much; and I believe in one case Mr. Justice O'Hagan laid it down that the Court valuer had certainly fixed the rent at so much, but that on account of the improvements they were obliged to make a reduction.

6485. But if these improvements did not add anything to the letting value of the land, of course it would be the duty, and perfectly open to the landlord's counsel, to show that before the Chief Commissioners?

Of course it would; but I understand that only one of the Commissioners are practical men, and I think that lawyers who have not had any practical experience of land imagine that everything a tenant does (and all his expenditure) must be done for the purpose of adding to the letting value of the land, and accordingly they put a price on whatever the tenant alleges to be an improvement; that is what I should think.

6486. Is not that bringing a very grave accusation of ignorance against them?

Well, they are not practical men; of course I would not like to be very strong upon that point.

6487. Lord Tyrone.] Did you follow out the decision in *Adams v. Dunseath*; do you thoroughly understand it?

I have read the decision; none of the cases we have are likely to be affected by that decision. Another thing we complain of is this, the three Chief Commissioners under the Act of Parliament are required to hear appeals except in the case of the illness or unavoidable absence of any one Commissioner; two Commissioners only are now trying these cases; they are sitting now, I believe, in Derry, and are going to sit in Belfast. They say it is necessary for the purpose
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[Continued.]

pose of carrying on the business of the office that one Commissioner should be in Dublin always, and there is only one member of the Commission who has any practical experience as to the value of the land, that is Mr. Vernon; Mr. Vernon is now in Dublin, and Mr. Justice O'Hagan and Mr. Litton are trying these appeals.

6488. Marquess of Abercorn.] Both of whom are lawyers?

Both of whom are lawyers and have had no practical experience, so far as I know, and I do not think it is pretended that they have.

6489. Lord Brabourne.] Then the practical man is discharging the legal business in Dublin, and the legal men are discharging the practical business in Derry; is that so?

That is so; I urged very strongly before the Sub-Commission the point that unless rents are exorbitant and excessive, the Act gives them no power to reduce them; that is the point I was most anxious to have brought out, and I put in a statement in which I raised several points, and they have not been ruled upon. Another point I called attention to is the Landed Property (Ireland) Improvement Act of 1860, which authorises the judges of the Landed Estates Court to sanction leases on the estates of limited owners, and in which there is an express section that the rent to be reserved in the lease is to be the best rent "that can reasonably be gotten for the same." I submitted the landlord is entitled to the full fair letting value of the land; that the policy of the Act is to protect the tenants' improvements, not to allow the landlord to raise the rents on the tenants' improvements; to give the tenants security of tenure; to give him the right of free sale, and that in no degree whatever can the Act be construed to mean that the rents are to be reduced wholesale.

6490. Lord Tyrone.] There is one point as to *Adams v. Dunseath*, which I was going to ask you about; perhaps you may have noticed it; there is a question about predecessors in title?

Yes, there is.

6491. Did you follow that decision?

I read the case generally, but I have not gone into the question very carefully.

6492. Chairman.] In the Court of Appeal in *Adams v. Dunseath*, what do I understand was the construction they put upon the words, "predecessors in title;" did they construe "predecessors" to mean tenants who went before them in any case, or did they construe it to mean tenants who went before them, and from whom they had some continuity of title, or derived some title?

Really the decisions differ so much as to *Adams v. Dunseath*, that I would not like to express any opinion.

6493. You would not like to be the interpreter?

I really would not.

6494. Lord Brabourne.] Then, with regard to the general effect of the Act, I gather that you do not think that it has been calculated to strengthen the bond of union between landlords and tenants?

Quite the contrary. The tenants on Mr. Johnston's property that was purchased from the Church Commissioners—the very men who wished him to buy—who when I went round and visited them after the purchase, all expressed themselves much pleased that Mr. Johnson had purchased, have now quite a contrary feeling towards him, and it is now a question of going into court, and getting rents reduced, and there is anything but a friendly spirit.

6495. Do you think it has been calculated to strengthen the confidence of the Irish people in the justice of the Imperial Parliament, or the reverse?

Certainly not the landed class, or even the mercantile class; though I do not know that the mercantile class are interested so much in it as the landed class are. Of course tenant-farmers think that the rents ought to be reduced, and they

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[Continued.]

they expect that, at the end of 15 years, by fresh legislation, rents will come still lower.

6496. Do you think the tenant class are satisfied, and that there has been now anything like a permanent settlement upon a sure basis; or that, by farther agitation, they expect to obtain further legislation?

They expect by further agitation to obtain further legislation, and tenants have told me so.

6497. If that is the case it will not have tended to the pacification of Ireland, will it?

Certainly not.

6498. Marquess of Salisbury.] You say that that has been actually told you by tenants?

I was actually told by one of the tenants that in 15 years there would be a new law, and that the rents would come even still lower.

The Witness is directed to withdraw.

Mr. ALEXANDER D. KENNEDY, is called in; and Examined,
as follows:

6499. *Chairman.*] You are a Solicitor and Land Agent, are you not?
Yes.

6500. Residing in Dublin?
Residing in Dublin.

6501. You have had for the last quarter of a century experience of land in Ireland?
Yes.

6502. We understand that you are solicitor for the receiver of a minor's estate in the Court of Chancery?
Yes.

6503. With a rental of 6,000 *l.* a year.
About 6,000 *l.* a year.

6504. In what county?
In the counties of Dublin, Limerick, King's County, and Queen's County.
There are 233 tenants on that estate.

6505. Are you solicitor also for an encumbrancer of 50,000 *l.* or thereabouts, on an estate in the county Cork and Waterford?
Yes.

6506. Of a rental of 3,000 *l.* a year?
Yes, about that.

6507. Is there a receiver over that?
There is a receiver over that, who has been placed over it under the Landed Estates Court. It is also for sale in the Landed Estates Court.

6508. Is that at the instance of the encumbrancer?
Yes. On that there are 110 tenants altogether.

6509. We will come to that presently. In the case where you are solicitor for the minors, have you been entrusted by the receiver judge with the defence of originating notices served by the tenants?

I have, and also in the other case I mentioned.

6510. Have any of them come on for hearing yet?
No, none of them; there is one listed for a fortnight hence.

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6511. Then

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[*Continued.*]

6511. Then that estate—that is the estate in the county Cork and Waterford, the subject of the encumbrance that you spoke of—has been put up for sale, has it not?

It has.

6512. When was it put up for sale?

Last June.

6513. Viscount *Hutchinson*.] When was this receiver put on this county Cork and Waterford estate?

The receiver was originally put over a part of that estate some four or five years ago, and over the remainder about two years ago.

6514. Is it owing to the circumstances that have taken place of late years that it was necessary to do that, or is it an old standing business; was the owner unable to meet his engagements with the encumbrancer?

I cannot say that it was owing to recent circumstances in that instance. The owner died, and it was necessary to put the receiver over it for other reasons.

6515. *Chairman*.] What estate are you speaking of now?

I am speaking of the estate in county Cork and Waterford, of 3,000 *l.* a-year.

6516. That is an estate which was put for sale in June 1881?

Yes.

6517. What happened at the sale?

There was only one lot sold, and the purchaser of that lot refused to complete his purchase in consequence of the anticipation of the Land Act coming into operation.

6518. In consequence of the Land Law Act he refused to complete the purchase?

He refused to complete the purchase, and it was thought inadvisable to force him to do so. It was thought that the judge would not force him to do so, under the circumstances.

6519. The property then remains for sale now?

Yes; there has been also another lot for which a private offer has been made since, and which offer would have been accepted; and we notified to the party making the offer that it would be accepted, but that it was right to call his attention to the fact that originating notices had been served by the tenants in the meantime, and on that he refused to carry out his proposal to purchase.

6520. Viscount *Hutchinson*.] Was there no bid for the whole estate?

It was put up in 14 lots.

6521. And only one lot was sold?

Only one lot was sold. I have all the biddings here, and the rental, and I can tell your Lordship exactly the facts.

6522. What was the highest bid you received?

For eight lots there was no bid at all. The one that was sold was sold at 1,900 *l.*, at a net rental of 96 *l.* 18 *s.* a year.

6523. That is 20 years' purchase; and what did the biddings that were refused amount to?

One lot with net rental of 84 *l.* 16 *s.* a year was adjourned at 1,200 *l.*; one at 152 *l.* was adjourned at 2,300 *l.*, and one at 201 *l.* was adjourned at 3,000 *l.*, one at 164 *l.* at 1,650 *l.*, and one at 96 *l.* at 1,000 *l.*

6524. They averaged about 18 years' purchase, I suppose?

Yes, I think so, or less; and we determined that we would ask the judge to adjourn them, unless they produced 18 to 20 years' purchase.

6525. Lord *Tyrone*.] Was that one purchase you mentioned, which was made in the Encumbered Estates Court, completed?

No, never completed; the tenant, was the party who bid the 1,900 *l.* he

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[Continued.]

he was the principal tenant; and in the other case it was also a tenant who made the offer.

6526. Viscount *Hutchinson*.] But the lot comprised more than his own holding, I suppose?

Yes.

6527. *Chairman*.] Now we will come to the county Limerick estate, if you please; is it situated near the city of Limerick?

Close to the city of Limerick; part of it is within the borough boundary.

6528. What is the acreage of it?

One hundred and thirty two acres, two roods, twenty-four perches, let to tenants, and about 75 acres in the owner's own hands.

6529. And what is the number of tenants?

Forty-five.

6530. The holdings, then, are small, I suppose?

Most of them are very small indeed; they are market gardens.

6531. What is the rental of the portion in the hands of tenants?

The rental, as stated on the Landed Estates Court Conveyance, is 576 *l.* 17 *s.* 10 *d.*

6532. Was it bought in the Landed Estates Court?

It was bought in the Landed Estates Court by the owner.

6533. With respect to the portion in the owner's hands, what did it produce formerly?

The portion in the owner's hands produced about 400 *l.* a year; that is the lettings of meadow lands. I have here the accounts for some years back showing that it was from 300 *l.* to 400 *l.* a year.

6534. Then, what is the Government valuation of those two portions; the one you say let at 576 *l.*, what is the Government valuation for that?

£. 311. 15.

6535. And the portion producing 400 *l.*; what is the Government valuation for that?

£. 161.

6536. Whether these holdings are technically so or not, they are in the nature of town parks, I suppose?

They were always regarded so until it was decided otherwise by the Land Commission.

6537. You say they are market gardens; what is the produce generally?

Potatoes, cabbages, turnips, parsnips, onions, and various other vegetables.

6538. Is the land good land?

It is said to be the very best in Ireland. It has a great depth of soil.

6539. Has any standard of value been put by the Sub-Commissioners upon the land?

In one case there has; that is in the case of a tenant named Patrick Mulaley. They valued it at as nearly as possible 5 *l.* 16 *s.* 1 *d.* an Irish acre.

6540. What would that be in statute acres?

That would be about 3 *l.* 11 *s.* 8 *d.*, the statute acre.

6541. Marquess of *Abercorn*.] Is that a reduction upon the present rent? Clearly.

6542. *Chairman*.] Is the land within the municipal boundary of the City of Limerick?

Some of it is, and pays city taxes.

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6543. You

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[Continued.]

6543. You say that the owner in 1877 bought in the property in the Landed Estates Court?

He did.

6544. Did he borrow a sum of money from you for the purpose?

He borrowed a sum of 9,000 *l.* from a client of mine at that time.

6545. To pay a part of the purchase money?

To pay sufficient money into court. I lodged it in court for the purpose of paying the incumbrances, and the sum of 18,000 *l.*, which appears in this conveyance from the Landed Estates Court, was named by the judge as the nominal consideration upon which to calculate the stamp duty. The minimum value of the estate, it may be called.

6546. At this time what was the total income?

£. 1,127 a year. That includes another property besides.

6547. What were the total outgoings?

The total outgoings were then about 706 *l.* a year. That includes the interest upon the 9,000 *l.* mortgage.

6548. That left a balance of what?

Of over 400 *l.* a year for the owner.

6549. Was that the income on which he subsisted?

I believe so. I may mention that in lending this 9,000 *l.* I placed reliance upon the Landed Estates Court conveyance as giving an indefeasible title to the rents scheduled in that very conveyance.

6550. And, I suppose, an advance of 9,000 *l.* on the property you have described, was considered to be advanced on very good security?

A first class security; I considered that I was lending only half the value of the estate.

6551. Viscount *Hutchinson*.] And that you had half margin?

Yes, I lent at $4\frac{1}{2}$, or, rather, at $5\frac{1}{2}$ per cent., reducible to $4\frac{1}{2}$ on prompt payment, that is to say, on the usual terms.

6552. *Chairman*.] The property was afterward settled, was it not?

Yes, the owner afterwards married, and settled it, reserving a life estate to himself.

6553. There were some small advances on his life estate, were there not?

There was one by his then agent of 300 *l.*, and another by myself of 300 *l.* on his life estate, with a policy of insurance, in the year 1879, as I then considered that the estate was very ample security indeed for the advances upon it.

6554. Have the rents ever been raised upon this property?

I am informed by members of the family that they have never been raised, although the estate has been in the owner's family for generations. I have the receiver's accounts here as far back as 1869, which show that there has been no rise of rent, and the tenants admitted this on their cross-examination before the Sub-Commissioners.

6555. Subsequent to the commencement of the land agitation, was there any dispute with the tenants about the payment of rents?

Yes.

6556. What did that lead to?

The interest on my client's mortgage having run into arrear, I put pressure upon the owner to pay, and he had to put pressure upon his tenants to pay the rents; and in consequence of that pressure, last year when he came to advertise his meadow lands for letting as usual, they were "boycotted."

6557. That is the portion he kept in his own hands?

That is the portion he kept in his own hands. Those lands were "boycotted;" nobody was allowed to, and nobody did, attend the auction, and he could not get anybody to take the land as usual for the season's meadow. The consequence was that he had to get down men from Dublin who were employed through the agency of

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[Continued.]

of the emergency committee; in that way he cut the hay, saved it, and sold it, but at great disadvantage, and I have the accounts here to show that he netted only 130 l. for what he used to get 400 l.

6558. Have any of those tenants served originating notices?

Nearly all of them. I find that only eight have not served them.

6559. Viscount *Hutchinson*.] Out of about how many?

Forty-five.

6560. *Chairman*.] Have they been heard?

Yes; I mentioned, I think, that one case had been heard and decided, and an appeal heard also in respect of it.

6561. Have the other cases been heard by the Sub-Commission?

Thirty-four other cases were heard on the 12th of this month, and the decisions have not yet been given, though we have been expecting them from day to day, and therefore the table that I have to hand in in respect of them is incomplete in that respect at present. But, with the permission of the Committee, I will insert the decisions when they are pronounced.

6562. There was one case of a man called Mullaley, was there not?

Yes.

6563. That was heard last November?

That man's case was heard last November.

6564. What was the extent of the holding?

Three roods Irish; 1 acre 34 perches English.

6565. We will take the English measure, 1 acre 34 perches, at a rent of what?

He paid a rent of 6 l. 1 s. 4 d., and it was reduced to 4 l. 10 s.

6566. Is that the case in which the Sub-Commissioners decided that it was not a town park?

It is.

6567. They held that this statute acre at a rent of 6 l. 1 s. 4 d. was an agricultural holding?

They held that it was an agricultural holding, and that it was not a town park.

6568. And they fixed a judicial rent of 4 l. 10 s.?

They fixed the judicial rent at 4 l. 10 s.; the tenant appealed against that on the amount of the rent fixed.

6569. The tenant was not satisfied with the 4 l. 10 s.?

The tenant was not satisfied with that, and the landlord also appealed upon the town park question.

6570. What was the result?

The original decision of the Sub-Commissioners was upheld in both cases.

6571. Both appeals failed?

Both appeals failed.

6572. Viscount *Hutchinson*.] That was chosen, as a test case, was it not?

That was a test case, but the tenants have since declined to abide by the decision on the ground of value, although they have of course acquiesced in it on the ground of the town park.

6573. It was decided on agreement between landlord and tenant, that it should be a test case?

There was no binding agreement, and the other tenants now allege that they only meant it as a test case on the question of town park.

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6574. Is

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[Continued.]

6574. Is this particular farm closer to the town than any other, or was it merely selected at random?

Merely selected at random. I believe they are all as close as can be.

6575. *Chairman.*] Supposing the scale of value to be adhered to in the other cases, what will the result be on the margin of 414 l.?

The result will be that the rents will be reduced to 395 l. a year. [*Note.*—The decisions since given have reduced the rents to 348 l. 4 s. a year. See Table in Appendix.]

6576. Reduced by 395 l.?

No, reduced from 576 l. to 395 l.; but that is exclusive of 14 Irish acres which have been taken up from one of the tenants, part of the lands about which the proceedings were taken that I mentioned before; and those 14 acres are also "hoycotted," no one will take them; and the receiver under the Court is now obliged to have them sown or planted in some way, and has great difficulty in getting even horses to be allowed to plough the land; therefore we fear that they will produce very little indeed.

6577. Practically, the greater part of the margin of 400 l. will be swept away?

I have an account here showing that it is more than swept away; that there is a deficiency of 100 l. a year, according to the present state of affairs.

6578. Who would that deficiency fall upon?

It must fall upon the encumbrancers, of course.

6579. What is become of the owner?

He has gone to Canada, having abandoned all hope of getting anything out of the estate, and left it in my hands as solicitor for the encumbrancer.

6580. He has virtually abandoned the property to the encumbrancer?

Virtually.

6581. *Earl of Pembroke and Montgomery.*] Had this rent of 6 l. 1 s. 4 d. in the test case been paid without any complaint for a great number of years?

Yes; as well as all the other rents on the estate.

6582. *Marquess of Abercorn.*] In the conversion of a town park into an agricultural holding, there is a condition also, is there not, that the tenancy becomes a tenancy for 15 years?

Yes.

6583. Whereas, before there was no tenant-right, and you could evict the tenant, and let the holding to some one else?

Yes; our contention was two-fold; first of all, that it was a town park, and, secondly, if not held to be a town park, but held to be a market garden, it was not an agricultural holding within the meaning of the Land Law Act.

6584. *Lord Brabourne.*] Is there any legal definition of a town park?

There is a definition in the Act itself. Section 58, Sub-section 2.

6585. Do you know what it is?

There are two or three requisites for a town park; one is that it must be in close neighbourhood to a town, thereby bearing an increased value; we complied with that. Another requisite is, that the tenant of it must live within the town or the suburbs thereof; and the chief ground of the decision in our case was that the tenant lived upon the holding. The Act defines that the man must live either in the town or the suburbs of the town. Our contention was, that although the man lived on the holding, it was in the suburbs of the town. The Commissioners held that that would not do, because the meaning must be a man who lives in the town, and has a piece of land for his accommodation, somewhere outside the town.

6586. If the land was inside the heart of the town, and the tenant lived outside, would that be a town park?

That would be rather the converse of a town park. I do not know how that might be decided.

6587. *Marquess of Salisbury.*] If that is a case of legal construction, has any effort been made to take it up to the Superior Court of Appeal?

No,

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[Continued.]

No, it has not been thought worth while to do it. The agent wrote to me only the other day to say, that he had thought it ought to have been done, but it has not been thought worth while to do it. The Chief Commission having decided that it is not a town park, we consider that their decision, probably, could not be reversed.

6588. Lord *Tyrone*.] I suppose the question of expense was a serious consideration with regard to a property of this description?

Certainly, and the expenses are serious, very serious. We had to take down special counsel the other day to Limerick upon that case, and that expense, of course, must all fall upon the encumbrancers now, for the owner is nowhere.

6589. Have you still got time to appeal to the Superior Court?

No.

6590. You are too late?

We are too late in the test case.

6591. Earl of *Pembroke and Montgomery*.] I want to ask you one more question about this test case: Were the tenant's improvements upon the holding of any great value?

I do not think there were any improvements there whatever.

6592. Then the reduction from 6*l.* to 4*l.* 10*s.* was clearly an arbitrary reduction?

Clearly; I am not aware that there were any improvements alleged whatever.

6593. Lord *Tyrone*.] Was any question raised as to these town parks, as to whether it was specified in any written agreement that they were town parks?

None of the tenants have written agreements, they are all yearly tenants.

6594. Did the Chief Commissioners state that it was necessary under the Act in order to prove that it was a town park, that there should be a written agreement to that effect?

I do not think so.

6595. Lord *Brabourne*.] Did I understand you that the Commissioners determined that a piece of land was or was not to be held to be a town park, not upon the ground of its position, but upon the ground of where the tenant resided?

I understand that the chief ground of the decision was, that because the man himself lived upon the land, it would not be called a town park; that a town park meant accommodation land, and the land upon which a man lived could not be called accommodation land.

6596. Supposing that the man ceased to live there, would it become a town park?

That was exactly the argument of our counsel.

6597. *Chairman*.] Does the Act of Parliament say anything about a man living on it?

It does not; but one of the essentials is that a man must live in the town or the suburbs thereof. We argued that this was in the suburbs, but the Commission held that the meaning of that was that he should live somewhere else than on the land, and that the land should be an accommodation to him for some purpose.

6598. So that if there were two of these holdings, and the owner of one of them lived upon the other, and the owner of the other lived upon the first, they might both be town parks?

To be sure; if it rested alone upon that, that absurdity would arise.

6599. Were there any other grounds for their decision but that?

There were other grounds for their decision. They considered that these men were really living out of the land; that is, that their livelihood was chiefly derived from the profits they made out of this land, and that the meaning of

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[Continued.]

town parks must be accommodation land. A gentleman, for instance, who resides in the town may have a field outside to graze his cows on, but they held that it was never intended to apply to tenants who derived part of their subsistence out of the very land itself. I believe that consideration entered into their decision.

6600. Lord Brabourne.] Would that apply to market gardens also, supposing a man lived upon market gardens and got his living out of them?

They would hold so, clearly; we argued that if not town parks, at all events they were not agricultural holdings within the meaning of the Act, and were therefore exempted from its operation under the 58th Section, Sub-section 1.

6601. Was not the decision of the Sub-Commissioners this: that they were not town parks because they were not held as accommodation land, but were in every respect similar to agricultural holdings, only more valuable, because of their proximity to the town?

That was their decision.

6602. Lord Tyrone.] With regard to this first estate that you mentioned in the county Cork and Waterford, are you at all afraid that there is any danger of your margin being swept away?

We are quite prepared for a loss in consequence of this Act.

6603. Chairman.] What was the rental?

About 3,000 *l.* a year, and we fear from the decisions which have already taken place, that it will be very materially reduced when the cases come on to be heard. There were 60 originating notices served on that estate, of which I have been given the charge by the receiver judge. Only one of those cases has appeared in the list, that was in last February in Cork. I went down myself appearing there on the Monday that it was listed for. I had a valuator engaged; I had counsel briefed; I stayed there Monday, Tuesday, and Wednesday, and on Wednesday afternoon the Commissioners stated that they had heard then as many cases as they would be able to visit farms, during the remaining days of that sitting; I consequently had to go back to Dublin without having had the case heard, after incurring a very considerable expense, I suppose it might be estimated at at least 30 *l.*; that case is again listed for July next at Cork, when I shall have to go through the same operation. I hope it may be heard then; and I may mention while I am upon that, that one great reason of delay in these cases is, that the farms are not grouped together by the Sub-Commissioners, but they hear cases relating to farms in different parts of the county; and what they did on that occasion (and I believe it is their pretty general practice) was on Monday, Tuesday, and Wednesday to hear cases in Court; on Thursday and Friday they visited the farms, and on Saturday they give their judgments. On Thursday and Friday the farms they had to visit were at such distances apart, some of them as much as 20 miles asunder, I am told, that they found they could not visit more than about the 12 farms they had heard evidence upon on the Monday, Tuesday, and Wednesday out of the 45 cases listed.

6604. Viscount Hutchinson.] Did they give judgment in all those cases on Saturday?

That I cannot say; I did not remain. I left Cork immediately the Commissioners announced that they would go no further.

6605. Lord Tyrone.] Would you tell us what the margin is on this estate of 3,000 *l.* a year at Waterford?

There is no margin.

6606. Chairman.] £. 50,000 at 4 or 4½ per cent.?

It is 6 per cent. reducible to 5 per cent. on 35,000 *l.*, which, with arrears, now amounts to 50,000 *l.*

6607. Five per cent. we will say?

There is no margin whatever, for there are other encumbrancers behind my client.

6608. You

30th June 1882.]

Mr. KENNEDY.

[Continued.]

6608. You are first?

We are first.

6609. With regard to your encumbrance, what is the margin?

There are other encumbrances coming between some of my charges on that estate.

6610. £. 2,250 is required to pay your interest, and the rental is 3,000£?
Over 2,000 £.

6611. If 25 per cent. is taken off that what is left?

But there is a 20,000£. charge for the younger children of the late owner.

6612. In front of yours?

Not in front, but in the middle. I have two charges.

6613. In the middle of the 50,000£?

Yes. I have an assignment of old family charges on the estate to the extent of 18,000£., which, with interest thereon, come first. Then comes the charge for younger children of 20,000£.; then the balance of my client's charge, amounting to 17,000 £. with interest, so that we must have a loss.

6614. Lord Tyrone.] There will be a serious loss to the mortgagee, will there not?

We apprehend that there must be some loss, and there will be nothing for the subsequent mortgagees.

6615. Chairman.] It is quite clear that there must have been a deficiency always; there was no good security for 70,000£. on an estate of 3,000£. a year?

If necessary, I can explain that. The charge originally was 35,000£. and arrears of interest brought it up to 50,000£. The interest was allowed to run into arrear, pending the proceedings for sale, to enable the late owner's widow and children to receive their jointure and interest out of the estate in priority to us. That was allowed at a time when it was considered that the estate would be of full value. Since the land agitation commenced it has been proved that that was a fallacious idea, and that we shall lose in consequence. We should not have lost only for that.

6616. Marquess of Salisbury.] When did that system of delay begin; in what year?

I think somewhere about seven years ago.

6617. Lord Tyrone.] Do you think that there are a large number of landlords in Ireland whose margins will be swept away if these reductions go on?

I have no doubt of it; a very large number, such as the unfortunate owner of this Limerick estate.

6618. He was always in a bad way, was he not?

He had 400 £. a year.

6619. Chairman.] Which do you refer to?

The owner of the Limerick estate; he had a clear 400 £. a year, and now, calculating the penal rate of interest, and notwithstanding that an annuity of 43 £. a year has since dropped, it is shown that the estate is really 100 £. a year deficient to pay the charges.

6620. Lord Tyrone.] As I understand, you think there will be a large number of landlords in Ireland reduced to the same straits?

There is no doubt whatever about it. I hear many of my professional brethren complaining of having clients in a similar state.

6621. Do you think that the reductions have increased lately, or that they are about the same?

I think they are about the same.

The Witness is directed to withdraw.

30th June 1882.

MR. S. N. HUTCHINS, is called in, and Examined; as follows:

6612. *Chairman.*] You are a landowner, I believe, in the counties of Cork, Cavan, and Westmeath?

Yes.

6623. And a grand juror and magistrate for the county Cork?

Yes.

6624. You act as receiver over some estates in the Court of Chancery, I believe?

Over several estates.

6625. And you have had considerable experience in farming?

A good deal.

6626. I believe you are one of those whose fortune or misfortune it is to be under the protection of the police in Ireland?

I am, when in the country, but I am living in Dublin.

6627. How did that come to pass?

I was fired at two years ago near Drimoleague, in the county Cork.

6628. Had you had any differences with your tenants?

No.

6629. What do you suppose led to this outrage?

The Land League agitation was very rife at that time. There were Land League meetings being held in that part of the county; one meeting was held the day after in Bantry, and I attribute it to the agitation.

6630. *Lord Tyrone.*] Was there anybody arrested?

No one.

6631. *Viscount Hutchinson.*] You do not know of any particular reason why you should have been attacked?

No, I do not.

6632. *Lord Tyrone.*] It was a man dressed as a woman, was it not, that fired at you?

No, he was not dressed as a woman.

6633. It was so reported, I think?

It was so reported.

6634. *Chairman.*] When did you succeed to the estate you have in county Cork?

In September 1880.

6635. But you have managed it for some time longer than that, have you not?

Yes.

6636. For how long?

From the year 1867.

6637. Some part of your estate has been under the decisions of the Sub-Commissioners; whereabouts is that in the county Cork?

Near Charleville.

6638. That is, I believe, a district where they farm a good deal for dairies?

Yes, they are rich lands, suitable for dairy farms.

6639. What is the extent of your property there?

There is something over 1,000 acres; 1,016 statute acres.

6640. How many tenants?

Eighteen.

6641. And

30th June 1882.]

Mr. HUTCHINSON.

[Continued.]

6641. And what is the rental?

The rental is 2,055 £.

6642. The Government valuation, I believe, is 1,109 £?

£. 1,109.

6643. And that estate has been in your family for a long time?

For a long time; since 1794.

6644. According to the memorandum I have, in the year 1824 the rental was 1,770 £; is that so?

Something about that.

6645. And in 1842 it had risen to 2,342 £?

Yes.

6646. And was again reduced in 1848?

It was reduced in the bad times, in the famine years.

6647. As you have stated, the rental is now 2,055 £?

It is.

6648. Before the commencement of the agitation of which you have spoken, had there ever been any dispute with the tenants?

Never on that part.

6649. Had you any occasion to take proceedings against them?

No.

6650. The rents were punctually paid, were they?

Very punctually paid.

6651. An abatement was made in 1880, was it not?

Yes.

6652. Was that on account of the badness of the year?

Yes.

6653. Do you say that it was made, or only demanded?

It was made. There was an excessive abatement demanded, which I refused; but I afterwards made them an abatement of 15 per cent. on the half-year's rent.

6654. What has been the custom with regard to improvements as to buildings?

Slate, lime, and timber were always given when the tenant would build a good house.

6655. A slated house?

A slated house; and allowance was also given for drains and fences.

6656. How many cases have been heard by the Sub-Commissioners?

Eight cases.

6657. When were they heard?

In April.

6658. There were listed for hearing in January, were they not?

They were listed for hearing in January.

6659. But they were not heard in January?

In January they were not reached.

6660. Have you a list of the rents that were fixed?

I have. There is a list with the old rents, the Government valuation, and the judicial rent.

(The Document is handed in.)

6661. Viscount Hutchinson.] This is entirely on the Charleville property?

Entirely on the Charleville property.

(O.I.)

z 3

6662. Chairman.]

30th June 1882.]

Mr. HUTCHINS.

[*Continued.*]

6662. *Chairman.*] This table shows the old rents, the Government valuation, and the total, 1,294 l.; the Government valuation is 708 l. and the judicial rent 995 l.?

Yes.

6663. What per-centage of reduction is that?
Twenty-three per cent.

6664. Under the Act of Parliament, would the fact that they were dairy farms make any difference?

It would exclude them from the Act if they were dairy farms.

6665. Does the Act exclude dairy farms by name?

It excludes farms that are let mainly for pasture. Those are the words of the Act.

6666. Did you make the case that these were dairy farms?

I did.

6667. On what ground?

On the ground that the tenants were restricted from tilling more than two acres in 20.

6668. They were allowed to till two acres in 20?

They were allowed to till two acres in 20.

6669. Was that for the sort of produce that they would require to consume themselves?

Yes, for potatoes and oats.

6670. What was to become of those two acres; was there to be a rotation of crops upon them?

Yes, generally half of that was for potatoes, and the next year they grew a crop of oats upon it.

6671. Then, did the Sub-commissioners hold that notwithstanding that, they were not dairy farms?

Yes.

6672. Was there any appeal upon that?

I am appealing.

6673. Upon that point also, as well as upon the question of value?

I am appealing upon both points.

6674. *Viscount Hutchinson.*] Are there written agreements with those tenants as to the two acres out of 20?

No, there was no written agreement. I was not agent when the lands were let to them, but when they wished to change their tillage from one field to another, they always applied to me for leave.

6675. And, of course, if your conditions were infringed, you had your legal remedy, and that was the only way in which you could enforce the agreement?

Yes.

6676. *Chairman.*] Were you present at the inspection of the farms by the Commissioners?

I was.

6677. What was the amount of land they inspected when you were there?
Something over 600 acres.

6678. How long did it take them to do that?

About six hours.

6679. One hundred acres an hour.

Yes.

6680. Did that time enable them to make any examination of the soil?

No; they tested the soil in two places only. They walked over the lands.

6681. Did

20th June 1882.]

Mr. HUTCHINS.

[Continued.]

6681. Did you produce valuers?

I produced one valuator.

6682. Who valued for the tenants?

Tenant farmers of the neighbourhood.

6683. Neighbours?

Neighbours.

6684. Was your valuer a man from the neighbourhood, or not?

No, he was not. I did not like to ask a neighbour to value for me. I got Mr. Cox, from Limerick, to value for me.

6685. In the present state of matters in Ireland, do you think a local valuer can be depended upon or not?

I would not like to put him in the position of valuing.

6686. The total rental, I think, you said was 2,055 £?

Yes.

6687. What are the outgoings?

Since these notes were made, I have made a more accurate table, and I find the outgoings, including interest on incumbrances and expenses of management, come to 1,265 £. 12 s.

6688. Leaving a balance of how much?

£. 789.

6689. A reduction at the rate of 23 per cent. would take 460 £ off that, would it not?

Yes.

6690. That would leave a remnant of what?

That would leave a remnant of 328 £.

6691. So that the margin on which the owner has now to live, of 789 £ a year, would be reduced to 328 £?

It would.

6692. Lord Tyrone.] Do you think that the effect of the recent legislation upon the tenants in Ireland has been bad?

I think so.

6693. Had you any quarrel with your tenants at all before the agitation commenced?

I had no evictions or occasion to institute law proceedings for any purpose on this property; I had only three evictions on the whole estate, including that in County Cork, the number of tenants being 167.

6694. Lord Brabourne.] Three evictions during what time?

Since 1867.

6695. Lord Tyrone.] Were all the rents punctually paid?

Very punctually paid. There was only a loss on bad debts written off of 200 £. on the whole property. The whole estate is about 5,000 £. a year.

6696. Is there much arrear of rent upon the property?

There is a considerable arrear upon the property, but on these rents that have been adjudicated upon there is only an arrear of 242 £. up to last September.

6697. Do you think that this Arrears Bill has had the effect of stopping the payment of rent?

It has. The tenants are making an excuse to wait for the Arrears Bill; that is many tenants that can pay.

6698. Have they refused to pay you?

Yes. I have abstained from trying to get any rents until this Arrears Bill is passed.

6699. On the other property that you alluded to, may I ask if there are charges upon that too?

There are.

(0.1.)

z 4

6700. And

30th June 1882.]

Mr. HUTCHINS.

[Continued.]

6700. And do you anticipate that the margin will be much decreased if the tenants go into court?

Very much decreased.

6701. Have any of the tenants gone into court there?

Yes, a great many.

6702. Have any decisions been given?

No decisions on the other part of the property have been given yet.

6703. If decisions are given upon the principle, as that upon which they have been given upon other properties, you anticipate that the margin will be materially decreased?

Very much so.

6704. And I suppose that your opinion is that most properties in Ireland are more or less mortgaged?

Yes, a great many.

6705. And that if these decisions go on, a great number of landlords will be ruined?

I should say so.

6706. Viscount *Hutchinson*.] I see on the Charleville property the average size of a farm is something between 50 and 60 acres?

There are 18 tenants and they hold 1,016 acres.

6707. That makes about 57 acres to each farm?

Yes.

6708. What is the average valuation of each farm or the Government valuation per acre?

Per English acre, it seems to be about 1 £. The 1,016 acres are valued at 1,109 £, that is about 1 £ an acre.

6709. Then you have not very many tenants, in fact; you have hardly any tenants there, I suppose, whose valuation is less than 30 £ for the whole farm?

Very few.

6710. And you have certain arrears on the property, as you told us just now, which you think have been caused to a great extent by the Arrears Bill being introduced?

I do not think it has had much effect upon this property; this is pretty well paid up.

6711. I understood you to say that it had?

No, I was alluding to the other portion of the estate.

6712. At Berehaven, I suppose, on that proportion of the property the holdings are very small?

They are. The poor law valuation upon that property is much less. The highest, I think, is 25 £; there is one large farm of 108 £ valuation, but the rest are all under 30 £, I think.

6713. And there it would be natural, of course, that the Arrears Bill should have some effect?

It will have a great effect upon that property.

6714. But you do not find that it extends to those whose holdings are above 30 £ valuation?

Not much.

6715. There is no sort of idea that the limit may be removed, or anything of that sort?

That has not come before me.

The Witness is directed to withdraw.

30th June 1882.

Mr. W. G. GUBBINS, is called in; and Examined, as follows:

6716. *Chairman.*] You are well acquainted with land in Ireland, are you not?

Yes.

6717. You have been accustomed to value it?

Yes.

6718. In what part of the country?

I have been valuing in the County Cork; I have been valuing in the County Clare, and I have been extensively valuing in the County Limerick.

6719. Have you seen anything of the courts of the Sub-Commissioners; have you been attending before them?

Yes, I have been examined before them.

6720. You have been employed before them in valuing?

Yes, as the landlords' valuer I have been employed.

6721. Have you been attending the courts on their recent circuit?

Yes, I have been examined on some cases in Limerick.

6722. I should like to ask you with regard to the valuing of land in Ireland, to what extent does the price of produce enter as an element into your valuation?

In my calculations I have gone very carefully into the price of produce on an average of five years.

6723. You take the price of produce at an average of five years?

I take the price of produce at an average of five years, and I base my calculation to a certain extent upon that, also taking into account the effect of the importation of produce from America, which now, I may say, has fallen off very considerably.

6724. Will you explain what you mean by taking into account the price of American produce; the element of American produce will have a bearing on the price of the produce purchased in this country, you say?

Yes, in this way: some years ago the farming class in Ireland, before the passing of the Free Trade Act, thought that American produce would interfere very much with the value of the different articles of produce in Ireland, such as beef, butter, and pork. I might take the average of the prices for the last five years, and also take into account the effect that the American produce would have on its importation into this country; but I find it has a contrary effect, the last year.

6725. *Marquess of Salisbury.*] Do you mean last year or this year?

This year. The price of American produce this year is exceedingly high, and the price of Irish produce is also above the average of the five years, taking bacon, butter, and other articles, but excepting wool. Wool is very low indeed, but then that loss is made up in the high price of mutton, which has increased considerably; and beef also is very high. Beef at present is from 75 s. to 80 s. per cwt. I will give you the average prices for the last five years, which I have carefully calculated in detail. Salt butter, 70 s. per firkin of 70 lbs.; mild butter, 80 s. per firkin; bacon (pigs), 56 s. per cwt.; beef, from 60 s. to 75 s. per cwt.; mutton from 8 d. to 9 d. per lb.; oats, 10 d. per stone; barley, 1 s. per stone, and wheat about 1 s. 2 d. per stone. Wheat, of course, has not been at as high prices as it has been other years. I can give the prices of this year. I should say the different articles, such as beef, mutton, and pork, are from 15 to 20 per cent. higher than they were. That is in consequence of the falling off in the imports from America.

6726. *Marquess of Abercorn.*] Is not 10 d. per stone rather above the average for oats this year; is it the top price, is it not?

(O.I.)

A A

It

30th June 1882.]

Mr. GUBBINS.

[Continued.]

It is above the average. I have only taken my own side of the country. It is white oats that I have been speaking of; the price of black Tartary oats varies from 9 *d.* to 9½ *d.*; I am speaking of the heavy white oats; they are now 1 *s.*

6727. *Chairman.*] In making your valuations of land, do you take the price of produce on the average of five years, and consider the capacity of the land?

I certainly do; I think I am bound to do so to give the landlord the benefit of what I think the tenant ought to pay as a fair and equitable rent. Suppose I go and value a farm of 100 acres of fair quality of land; suppose that will carry 80 acres of grass, and the balance in tillage, then I make my calculation of the quantity of cattle that it would carry; suppose it will carry 40 dairy cows, then I base my calculation on the quantity of butter that those 40 cows will produce, and also the calves from them; I am speaking now of the ordinary prime land in the County Limerick.

6728. *Earl of Pembroke and Montgomery.*] When you have made your gross valuation like that, how do you arrive at what the landlord's share ought to be?

I make a calculation of what the cost of working 100 acres of land would be; then I make my calculation of what would be a fair and equitable amount to give to the tenant.

6729. *Marquess of Salisbury.*] What do you mean by a fair and equitable amount to give to the tenant?

Supposing a farm produces a gross of 300 *l.* a year, I think the tenant ought to have from 80 *l.* to 100 *l.* a year of that.

6730. That would be about two-sevenths?

Yes, about that; but then you must take the average years; he may not gross 300 *l.* a year, and then I think if he, the tenant, had 100 *l.* or 80 *l.* a year, it would be a very fair amount.

6731. How do you get at that amount; why do you say that a third, or two-sevenths, or a quarter, is the right share for the tenant to have of the gross produce of the land?

I calculate it on what a farm should carry, and what it should make gross, and then I take the working expenses, the rent and taxes.

6732. *Lord Bradbourne.*] Is that the usual way of calculating amongst valuers in Ireland?

As far as my experience goes; I only go by my own experience.

6733. *Marquess of Salisbury.*] You calculate what a farm would carry; I suppose you mean by that what rent it should pay?

No; I mean what cattle it would carry, and what the produce of those cattle would be.

6734. That is the gross produce?
That is the gross produce.

6735. When you have got at the gross produce, why do you say that the tenant ought to have a third or a quarter, or two-sevenths of that gross produce?

I calculate that to a certain extent the tenant ought to have a working interest in the farm, and to have it at such a fair and equitable rent as to secure an equitable rent to the landlord also.

6736. But what makes you come to the conclusion that that proportion on a particular farm is a fair and equitable share?

The only conclusion I can arrive at is that a tenant ought to have a certain interest in the working of the land, and I arrive at it by my calculation.

6737. Admitting that he ought to have some interest, why should it be that particular interest?

Why should it be that particular interest of two-sevenths?

6738. Yes?

30th June 1883.]

MR GURRIN.

[Continued.]

6738. Yes?

That is a question I do not go into.

6739. How did it get into your mind?

On the different valuations I have made of different farms, varying from five acres up to, perhaps, 100 or 150 acres.

6740. How did you first conceive the idea that he should have two-sevenths or a third?

I cannot say that I conceived it in any way. I put a fair rent first on the farm, say 50 s. or 40 s. an acre, which I look upon as being a fair and equitable Irish rent for the land (good land in the county Limerick is worth considerably more than that); then I calculate what that farm would carry.

6741. I am not in the least disputing the justice of your valuations (of which I have no doubt), but we have had considerable difficulty in ascertaining upon what principle the Sub-Commissioner's act, and I thought that possibly, if I could ascertain the principle upon which you act in determining the value, that might give us some clue to the principle on which the Sub-Commissioners act?

How they go into the matter is a question I could not go into at all, my valuation is considerably over their decisions.

6742. Lord *Brabourne*.] With reference to what Lord Salisbury has just been saying, is it within your knowledge that the general class of valuers in Ireland take that particular fraction, and have that principle in view in valuing?

That is a question I could not possibly answer; we all value on different bases; at least a good many of us do.

6743. Do you mean to say that the valuers in Ireland have no common basis or common principle?

Decidedly; I never consult them upon my valuations.

6744. Have you found in converse with any other valuers that they have adopted something similar to the principle on which you have just told us you go?

No, I never consult them on my own valuation.

6745. Then you can only tell us the basis on which you yourself have acted, without any conversation with anybody, or any attempt at uniformity?

Exactly; I never consulted any valuer.

6746. Have you valued for landlords with regard to cases that were about to come into court, and in which tenants have served originating notices?

Yes.

6747. Have you ever met with any interruption in your valuations?

Quite the contrary; they gave me every facility.

6748. That is to say, the tenants gave you every facility?

Yes.

6749. Have you met their valuers upon the farm?

No, except in some cases where I have had an arbitration, then they went with me over the different properties.

6750. But, as a general rule, would the tenants who serve originating notices have a class of valuator very different from that to which you belong?

I think so; they are taken from the farming class.

6751. You bear out what we have heard in previous evidence, that the tenant's evidence is very often derived from a person who is in similar circumstances to himself, and is likely also to appear before the Court?

Quite so; they are connected with each other.

6752. Then you do not place implicit reliance upon that evidence?

Certainly not. The difference has been as high as 20 per cent. between us.

(O.I.)

A A 2

6753. You

30th June 1882.]

Mr. GUBBINS.

[Continued.]

6753. You have not discovered any basis upon which those valuers have gone except the basis of desiring a reduction?

Quite so, and no other basis.

6754. Lord *Crysfurt*.] As a general rule, do you consider the land has produced as much during the last five years as 20 years ago?

No, the climate is very much changed, and this year it is very doubtful at present as regards the produce. We have had very bad and severe weather in Ireland; it has been very wet and cold.

6755. *Chairman*.] Do you mean during the season we are in now?

Yes, the season we are in now.

6756. Lord *Brabourne*.] When you are valuing a farm, what have you done with regard to tenant's improvements; have you valued the holding and then deducted the improvements?

No, as a rule I generally value the tenant's improvements as near as I possibly can; I am not an architect, and I go as near as I can.

6757. What I mean to say is this: would you value a whole farm with the buildings upon it; at, say, 300 *l.* a year; then say how much are the buildings worth, and then deduct that, or would you value the land quite apart from the buildings separately?

In sending in my reports I always give a return of what improvement I consider has been made by the tenant, that is according to his own evidence and the landlord's evidence, which they give me. When I go to a tenant's farm he will say, "I have laid out so much on buildings; I have laid out so much on drainage," and then I ask the landlord is so-and-so a fact, and he says "It is; I have not given any allowance; the man has laid out that amount." I value the land as it stands, and the improvements on it, and give the tenant the benefit of those improvements.

6758. Have you found many improvements claimed which you did not think improvements?

Yes, a great many.

6759. Improvements that might possibly deteriorate the land?

Yes; for instance, a landlord in some cases has drained land, but by the tenant's clumsy farming and the way they cultivate the farm, the watercourses and drains have been allowed to choke up, and in many cases the landlord's drainage has had no effect, because the tenants did not keep their water-courses clear.

6760. When the land has been deteriorated by the tenant, what action has been taken by the Sub-Commissioners?

I have valued farms where land has been very much deteriorated by the tenants; for instance, by meadowing their land every year for years, and not putting any manure on it.

6761. What course have the Commissioners taken in that case; have they kept the rent high, or lowered it?

I think the Commissioners are very much inclined in a case of that kind, where the tenant has not worked his farm fairly, to lean a little to the landlord.

6762. It appears to me that there have been two conflicting statements before the Committee; one is that where a tenant has deteriorated his land the rent has not been lowered, but there has been rather a tendency to keep it where it was, so that he has suffered for the deterioration; and the other has been that the Sub-Commissioners have taken the land as they found it and have valued it as they found it?

Yes.

6763. Those statements appear to be rather conflicting, because, of course, if the tenant has deteriorated the land it would appear to be in a bad condition, and it would be valued as bad; which do you say is the fact?

I may

30th June 1882.]

Mr. GUBBINS.

[Continued.]

I may answer in this way: I know something of the value of land, and five years ago I valued it as being 5 s. to 7 s. 6 d. an acre better than when I valued it the last time, and that was in consequence of the bad cultivation and bad management of the tenant.

6764. How would that guide the Sub-Commissioners?

The Sub-Commissioners hear our evidence before the Court, and they then go and merely walk over the land in a very hurried way, and just look over it and value the land as they find it.

6765. With reference to that particular statement you have just made, was the 5 s. or 7 s. 6 d. per acre which the land has deteriorated deducted from the rent, or was it not?

I do not know. Supposing land was worth originally 30 s. an acre, or I considered that it was worth 30 s. an acre, they would very likely reduce it to 25 s. or 22 s. 6 d. an acre.

6766. Then, according to this, the loss on the deterioration of the farm by the tenant fell upon the landlord?

Decidedly it fell upon the landlord by the bad management of the farm in several cases.

6767. Then that negatives the idea that, so far as you know, the tenant was made to suffer for deterioration by not having his rent reduced on account thereof?

The landlord suffers.

6768. Marquess of *Abercorn*.] Is there not a danger that the tenant may deteriorate the land, so that at the end of 15 years he may get a further reduction of rent?

I think myself that a 15 years' tenancy is too short. That is a part of the Bill I do not approve of. I think the very same thing will have to be gone over again, perhaps at the end of 15 years. It is a great difficulty to combat the tenants' views upon it.

6769. Earl of *Pembroke and Montgomery*.] Who do you think will want to re-open the case at the end of 15 years, not the landlord, surely?

No, the tenant.

6770. Do you think the tenant will expect to get another reduction at the end of 15 years?

That is the feeling of a good many of them. I have gone over, I suppose, altogether 150 farms, small and large, and any reasonable reduction, I think, would not satisfy the tenants, or a great many of them.

6771. Lord *Brabourne*.] Do you think that the reductions that have been obtained have tended to the creation of a harmonious feeling between them and the landlords?

I do not think so. I will tell you a circumstance connected with that. There are some properties I know where reductions have been made, and where there were orders given to the tenants to have labourers' houses built upon them, and they have repudiated the orders of the Commissioners, and have not built the labourers' cottages, thinking that some new legislation will come on which will put them in a better position.

6772. Then you do not think that what has been done will prove a permanent settlement of the Land Question in Ireland?

Certainly not until the leaseholders are also dealt with. At every place I go to, where I have valued, and there is a leaseholder on the next bounds, he has said to me, "Mr. Gubbins, are you going to value my farm, because I consider the question cannot be settled until we are dealt with on the same terms as the non-leaseholder; here I am on this side of the ditch, the land is of the same quality, and the same class, and here is my neighbour getting a very good reduction, and still I have no chance of it." In fact, one man told me this: "We are a

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great number of leaseholders on this property, and we will not allow the other people to pay their rent until we are dealt with ourselves."

6773. Then, suppose, if an intimation were given in Parliament that the leases would be dealt with, that would be more likely to prevent a settlement, and satisfaction, and quieting down?

I think myself, as far as my opinion goes, that in order to make the Land Act of a permanent character, and of a peaceful character, the question of lease must be dealt with. That is my opinion from what I know.

6774. You think, it having been announced that the question of leases will at all events be considered by the Government, is pretty certain to bring this about; that the land question in Ireland cannot be settled until the leases have been dealt with in one way or other?

You know we have had no opportunity yet of having rents paid that have been fixed by the Commissioners, and shall not for some time.

6775. Do you think they will be paid; perhaps you cannot form an opinion?

I am a large land agent; I am an agent for about 9,000 acres of land on which there are a large number of tenants; it is very hard to get rents in, and they have their land very moderate, but I do honestly believe that the land question will not be legitimately settled until the leasehold question is settled.

6776. Marquess of Salisbury.] Do you think it will be settled then?

As far as my opinion goes, it will.

6777. Lord Brabourne.] Have you not heard a good many tenants speaking of the happy time when they are to get their land for almost nothing?

But then you must take into account the present agitation in Ireland. These unfortunate men are hardly able to express an opinion, and a great many men are willing to pay their rent if allowed to do so.

6778. They are able to hold an opinion, are they not?

They hold very strong opinions.

6779. And having obtained very large reductions, they may desire to go further, may they not?

There are many who have been offered reductions by their landlords, and who have agreed almost to come to terms with their landlords, but have been obliged to back out of it in consequence of fear; the landlords were perfectly inclined to meet them fairly and give them a legitimate reduction.

6780. Do you mean that some hidden power behind deters them from making an agreement?

A very strong hidden power. Another matter which I think has caused a great deal of trouble amongst the landlords in our country is the question of the Arrears Bill. That has upset the probability of getting any rents.

6781. Chairman.] Has the tendency of that Bill had any effect on the payment of rent?

Decidedly; very great.

6782. In what way?

Small tenants say, "We will not pay any rent until we see how the Arrears Bill results."

6783. Do you say that the payment of rent is stopped?

The payment of rent is stopped. I can show you a letter which I have in my pocket now, stating that the tenant would not pay me anything beyond Griffith's valuation until the Arrears Bill was settled.

6784. Viscount Hutchinson.] Have you that in black and white.

I have a great deal more than that in it, black and white. This letter is written from a nice part of the country, that is near where those two men were murdered recently. It is written on "Tuesday, June 27th 1882. Honour Sir,—In reply to your

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[Continued.]

your letter which I received on yesterday, the tenants have told me to say that they will meet you in Ennis next Thursday, and Pay you as much as the can afford. Please say by return of Post if you will meet them." This is a tenant who holds from eight to ten acres, and he has it very cheap. He owes two years' rent now, and some of them owe two-and-a-half years' rent.

6785. Viscount *Hutchinson*.] He does not say in that letter that he is not going to pay you until the Arrears Bill is settled?

He told me that. I went the other day to meet him, and I met 15 of them also. I said to them, "I will take 1 *l.*, 5 *l.*, or any money you give me;" and they came out and put some money on the table. I gave them an accountable receipt, "Received from So-and-so the sum of 3 *l.* on account of the rent and arrears of rent due to a certain date;" and when they read the receipt they gave it back to me, and said, "Oh, sir, that is not what we want at all; we want you to give us a receipt for the amount of the valuation of our several farms," that is, Griffiths' valuation, which I would not do. Then this man said to me, "Well, sir, if you will not do that we will pay you nothing until the Arrears Bill is settled."

6786. Lord *Brabourne*.] Is that in County Clare?

That is in County Clare.

6787. Is it worse in County Clare than in the other counties?

Yes, some parts of Clare. There is another thing connected with the Arrears Bill which is very important, and that is the difficulty of knowing who is able to pay and who is not. Many of the farmers have money in the bank, and will try and take advantage of the Arrears Bill, although they are very well able to pay.

6788. Marquess of *Salisbury*.] Would it be possible to prove that they are able to pay?

It is not possible; they will sell their cattle off, and pay the shopkeepers, when you press for the rent.

6789. Are most of the tenants under 30 *l.* valuation in arrear?

Yes, and a great many of the tenants over 30 *l.* valuation are in arrear. I think some of the larger farmers are very heavily in arrears.

6790. Lord *Tyrone*.] With regard to your valuation, and the method of valuation which you were describing just now, do you arrive at a conclusion as to what to give to the tenant by putting on a valuation such as would make him comfortable, and, in the words of Judge O'Hagan, enable him to live and thrive upon his farm?

No. I first calculate what I think the farm could pay as a fair and equitable rent, giving the landlord all he has a right to get, which is a just and honest rent, where the produce of that farm would yield a return, if properly worked, which would allow the landlord a fair rent, and the tenant a fair profit out of his working, and out of the cultivation of his farm after paying for labour and outgoings.

6791. Is not that exactly what I tried to explain; you give the landlord a fair rent, and leave a sufficient margin to enable the tenant to "live and thrive" upon his holding?

Yes, perfectly.

6792. Is not that the way you arrive at your calculation?

In every farm I have valued I have done that. At the same time my valuation has not come up to the meaning, or the wishes, of the Sub-Commissioners.

6793. What was your allowance to tenants, two-sevenths?

I do not say that exactly, it might be two-sevenths.

6794. In putting it at two-sevenths, that is allowing him, in your idea, a sufficient margin to enable him to "live and thrive?"

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[Continued.]

To enable him to "live;" I do not say it would give him an opportunity of living on the property comfortably.

6795. You would not wish a tenant merely to have an existence, but would wish him to be comfortable, I suppose?

Precisely.

6796. Marquess of *Abercorn*.] Supposing the value of the farm to be 7 *l.* a year, would two-sevenths of that enable him to "live and thrive"?

No, of course not on small farms.

6797. Earl of *Pembroke and Montgomery*.] You mean two-sevenths after all the expenses are taken out?

That is not the calculation, certainly.

6798. Lord *Tyrene*.] You have had a good deal of experience in the management of property, I suppose; I think I understood you to say so?

Yes, I am an agent.

6799. And do you consider that a great number of estates are mortgaged in Ireland?

Fortunately, one of the estates I manage is not mortgaged, but as a rule the estates are heavily mortgaged, and have jointures on them.

6800. There are heavy charges on them.

Yes.

6801. Do you think if the reductions go on that the margin is likely to be swept away?

I think the landlords will have very little after paying the charges and jointures on the property. In one case a rental of 450 *l.* a year was reduced by arbitration to 285 *l.* There is a jointure on that property of 100 *l.* a year, and there is the interest on 1,000 *l.* besides, so that the landlord would not have more than 75 *l.* a year out of a property of 450 *l.*, taking the reduction, the interest on money, and the annuities.

6802. He would have 75 *l.* a year left to live upon?

He would have 75 *l.* a year left to live upon.

6803. Provided that he could collect it?

Provided that he could collect it.

6804. And do you think that there are many such cases?

A great many.

6805. Therefore those landlords will be absolutely ruined?

They will be absolutely ruined from present legislation.

6806. And what will happen to their estates?

I could not anticipate what would come of their estates; you cannot sell property in Ireland at present. The mortgagees will have to take them up and try to work them for the interest of the money by a receiver under the Courts.

6807. Do you anticipate that not only will the owners be ruined, but that the mortgagees will probably have a great loss?

Indeed they will. Some of them, if they even get half the interest money out of their mortgages, will be fortunate.

6808. Upon properties, I suppose, which up to the passing of the Land Act were good security for the money which was advanced?

Yes, very good. At one time you would not get more than 4 or 4½ per cent. on real estate in Ireland.

6809. Was that within the last three or four years?

That was about ten years ago. On one property the trustees lent, for my daughter, 1,200 *l.* at 4½ per cent. on mortgage, and I expect that she would not

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not now get out of that 700 *l.*; the landlord has not paid any interest on that mortgage for a year and a-half.

6810. You think that, supposing that landlord is sold up, as he may possibly be, that your daughter would not be likely to get a little more than half her mortgage on the property?

Yes, I think so. He has not got anything himself on that particular property at present, and he has not been able to pay interest on the mortgage.

6811. Therefore it is not only a serious matter for the landlords, but for those who have lent money upon the security of the estate?

A very serious matter. There is a case in point, dealing with my own daughter, and jointures are even of a more difficult character, because jointures very often come after mortgages. Supposing that an estate is mortgaged for 5,000 *l.* or 10,000 *l.*, then the eldest son may get married, make a settlement and charge that property with perhaps 400 *l.* or 500 *l.* a year as a jointure, and the mortgagees would have to be paid before the jointure was paid; but until those two questions are settled, which I went into very carefully (the Arrears Bill and the leaseholders), I think the rents in Ireland will not be paid even as well as you anticipate.

6812. Do you consider that there is any likelihood of this agitation coming to an end?

I do not think there is any present prospect of it, and I do believe, from the opportunity I have of going through the country, that we will very likely have a worse winter than we had last winter; that is, a more disturbed winter than we had last winter. I have been obliged myself to have police protection.

6813. You are under police protection?

I am, and when I go out collecting rents I am not allowed to go without the police protection, and about my house I have police protection.

6814. Do you consider that the way in which agitation has been given way to has made the country people worse?

Decidedly, they have got everything their own way; when one thing is done, they say it is perfectly clear that we can go on with impunity, and commit another crime to-morrow.

6815. If, as you say, the way the agitation has been given way to has made them worse, do not you think it will make them still worse if they are given way to upon the two points you have specified?

I thought what you alluded to was the government of the country, as regards the protection of the country.

6816. I am talking about the Land Act?

Then those two questions, I think, will have a very great effect; that is the Arrears Bill and the leasehold question.

6817. Viscount *Hutchinson*.] In fact, you believe that the Irish tenant farmers will not be satisfied with any settlement of the land question which does not include those points?

I do.

6818. And you believe that if once those points were settled agitation would cease?

I think to a certain extent it would, and that the country would quiet down by degrees.

6819. As I understand, you think that this is a land agitation purely?

I do think so; and if these two questions were settled, I think in a few years the value of land in Ireland would rise.

6820. Earl of *Pembroke and Montgomery*.] Are most of the leases of very long duration?

No, not on an average. Some of them are only 10, 15, 26, and 31 years. I think, as a general rule, the longest existing leases are under 31 years.

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6821. So

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[Continued.]

6821. So that the lease question is one which is settling itself every day? It is, but then it might take 25 or 30 years before all the leases were out.

6822. Lord *Tyroue*.] I think I understood you to say that the judicial rents had not been paid?

None that I know of. The Commissioners have been at work only six or eight months.

6823. We have had evidence before us that the rents, when asked for since they have been fixed, have been refused?

I am not aware of anything of that kind; I am not aware of the fact.

6824. Do you anticipate that the tenants will cheerfully pay the judicial rents?

I am afraid not.

6825. Then how can you imagine that the settling of the arrears question and the lease question will make them more contented?

I think I have answered that question before in this way: I explained that the leaseholder, when living in the same locality with a non-leaseholder, will agitate for the making of the non-leaseholder withhold payment until the question is settled.

6826. But does not the agitation still remain amongst those who have judicial rent settled; you have just said that they will refuse to pay them?

That is my belief, until the leaseholders are settled with.

6827. Marquess of *Abercorn*.] You think it is due to joint action between them and the leaseholders?

That is my opinion.

6828. Are the leaseholds usually higher let than the farms not on lease?

As a rule I think the leaseholders hold on better terms than the farmers that have not leases, for this reason: for the farms that had not leases there was such competition a few years ago among the farmers to get the land, that they used to pay a heavy sum of money to get into those farms for the sake of occupation; they used, in fact, to buy the land and borrow the money; and then, of course, when the landlord saw that, he very often put up the rent. When he saw the tenant was able to pay a large sum for getting into possession, the landlord said, "I think I ought to have a share in this."

6829. The leaseholds are usually the best farms, and occupied by the best farmers, are they not?

As a rule they are, no doubt. On one estate that I was valuing, my instructions were to value the leaseholders the same as the non-leaseholders, and to give them the benefit of the valuation. That was a mutual valuation, and not one made for the purpose of going into Court.

Adjourned.

Die Veneris, 7^o Julii, 1882.

LORDS PRESENT:

Duke of SOMERSET.
 Marquess of SALISBURY.
 Marquess of ABERCORN.
 Earl STANHOPE.

VISCOUNT HUTCHINSON
 Lord TYRONE.
 Lord KERRY.
 Lord BRANFORD.

LORD TYRONE, IN THE CHAIR.

COLONEL JOHN O'CALLAGHAN, is called in; and Examined, as follows:

6830. *Chairman.*] You are a Colonel in the Clare Militia, are you not?
 Liantenant Colonel, not Colonel Commandant.

6831. You farm how many acres of land?
 Something over 600 English acres, I believe.

6832. How many acres Irish?
 About 400 Irish, that is including wood and waste.

6833. Have you received your own rents?
 Since the year 1853; that is since I left the service.

6834. Your estate is situated in the county Clare, is it not?
 In the county Clare.

6835. How much of it is let to tenants?
 The larger portion.

6836. I think you were speaking just now of what you farm yourself?
 Yes, that is Irish acres; that would be about 600 English acres, or a little over.

6837. How much of your estate is let to tenants; is it 4,500 acres?
 I think so; that is taken from the Domesday Book.

6838. The Government valuation is how much?
 £1,498.

6839. And what is the rental?
 The rental is 2,815 *l.* 9 *s.* 9 *d.*

6840. What size are the holdings?
 The holdings in the mountain districts are small; they vary from 10 to 20 and 25 acres, and there are a few larger.

6841. How many tenants are there?
 I think somewhere about 119; that would be tenancies; a few have been consolidated on the originating notices.

6842. Has the estate been long in your family?
 For a great many years; it is an old estate.

6843. Is the present rental much the same as the rental before the famine?
 It is; my father was a very popular man in the county, and my lettings are
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[Continued.]

considered just about the same as his. I have a newspaper report here of Mr. Reeves' observations upon the subject, and I can read it to you presently.

6844. I do not think that will be necessary?

In the observations he made when giving the verdict, he implied that it appeared that the rental was just about the same as in the famine years.

6845. What is the reduction that has been made?

About one-third; this sheet will show it exactly. (*The document is handed in, vide Appendix.*)

6846. Have you allowed tenants to cut turbary on the estate?

On nearly all the estate there is turbary, and they have had in most places the unrestricted right of cutting.

6847. Have they been allowed to sell?

They have in many places.

6848. Is that a valuable right in that part of the country?

It is a valuable right, and turbary is increasing in value every day; though there is a great deal of bog in that part of the country, still it is increasing in value.

6849. Is there any probability of their cutting out the bog if you allow this to continue?

In one townland it is very nearly cut out, and the Commissioners asked me if I would extend the right of turbary over another property, and I said I would to the extent of sufficient for each tenant wherever his turbary was cut out, for the purpose of giving him turbary for his own use, but not for sale, because the right was abused on this particular townland, where they cut it for sale, and the bog is nearly all exhausted, as heretofore stated.

6850. Have you ever given any assistance to build upon your estate?

No, it is not the general custom in my county. I think the only estate upon which that has been done is Lord Leconfield's.

6851. Have the rents been punctually paid?

I had not any trouble up to the agitation and bad harvest of 1879, except with one man who holds under lease, and he has always been a defaulter.

6852. Was there any intimidation upon the estate when the bad times began?

Yes, great intimidation. They put up threatening notices where the larger portion of my property is situated, and they threatened the tenants with death, and sent them rough, rude sketches of coffins, and all that sort of thing, to deter them from paying their rents unless they got a reduction of 25 per cent.

6853. Did they pay?

No, they did not pay then; I did not feel inclined to give the reduction in consequence of the threat that was put up. Had I really believed that they were in the state of poverty that they then were I would have taken it into consideration, as I afterwards did as soon as I ascertained that they were in that state, but I was not to be driven to do it.

6854. Have they begun to pay their rent again lately?

Only I may say at the point of the bayonet, when served with writs. I have given very large abatements since then.

6855. How many of the 119 tenants have served you with originating notices?

I think very nearly all.

6856. Have many of the cases been tried?

Twenty-seven.

6857. And do those cases fairly represent the rest of the property?

They are about the average; there are some lands better as to which the cases have

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[Continued.]

have not been tried, and there are some mountain lands that are worse; but I should say that those represent about the average.

6858. Where were these cases tried?

They were tried at Killaloe.

6859. Did the tenants suggest that they would abide by arbitration?

Yes; they thought, I suppose, that they would get better off by it, and were rather anxious for it. When I went to Killaloe I looked round to see whether there was any gentleman who would arbitrate for me, and I named one gentleman, a Mr. Blood, a young man very much skilled in land; he was selected by me, and the tenants selected their man. It so happened that a case came on for hearing in which Mr. Blood's valuation was put a few shillings higher than that of the tenant's valuator, who was a Mr. Purcell, of the neighbourhood; Mr. Purcell thought that he would not be able to agree with Mr. Blood on my property; Mr. Purcell then refused to act with Mr. Blood, and, in my absence, they named Mr. Peter Griffin, of Limerick, as arbitrator in the place of Mr. Blood, subject to my approval. When I got to Limerick the next day, my solicitor telegraphed to me, and I called upon Mr. Griffin, and Mr. Griffin stated his inability to attend to accept the position, inasmuch as he had been valuing extensively other properties, and could not attend to mine for two months. The arbitration ultimately fell through. I appointed another arbitrator, a Mr. Studdert, and Mr. Purcell would not work with him, and the tenants would not agree; they wanted, in fact, to have the appointment of their own arbitrator, and of my arbitrator, and of the umpire. They were most unreasonable.

6860. The arbitration ultimately fell through?

The arbitration ultimately fell through after a huge correspondence.

6861. And the 27 cases were heard?

They were afterwards heard; they were first of all listed for the 27th of March, and they were afterwards heard by the Sub-Commissioners at Killaloe on the 5th of June.

6862. What class of valuers did the tenants call in?

I should say a generally very inferior class.

6863. Were they farmers themselves?

I believe they were.

6864. From your knowledge of the estate, do you think the reductions are unreasonable?

I think they are unreasonable. They have gone below my father's lettings and below my lettings, the rents of which were so punctually paid. They have gone down from 2 l. an acre in the good land to 1 l. 5 s., and even below it in some instances; and there was one case in the mountain of a man whose lease recently expired and whose rent was never raised, and they have put his below the valuation.

6865. Marquess of Salisbury.] When you say 1 l. 5 s. an acre, do you mean an English acre or an Irish acre?

I speak of the Irish acre.

6866. Chairman.] You said just now, I think, that the rents were much about the same as they were before the famine years?

Yes.

6867. I understand from what you say that if the decisions go on over the whole estate, they will be put 33 per cent. below what they were before the famine?

Yes.

6868. Are there many outgoings on the estate?

Huge outgoings. I have another paper here which will show what the outgoings are.

6869. How much do they amount to?

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[Continued.]

The outgoings on this property would amount to 1,332 *l.* odd, and the valuation is, I think, 1,498 *l.* 7 *s.*

6870. What margin would it leave at present?

Somewhere about 500 *l.*, I think, supposing that the one-third were taken off.

6871. Have you appealed in those cases?

I have not appealed. My attorney told me that the costs would be all put against me, and he advised me not to appeal—the expense would be very great; neither had I a valuer for the same reason.

6872. Have you proceeded against any of your tenants?

I proceeded against one on this property, the very man who is always a defaulter. I put him out, took a half-year's rent, and let him back again.

6873. Was he, in your opinion, able to pay?

He was a poor man; he paid me a half year's rent, and that still left a considerable arrear. There is a tenant whom I have put out who was well able to pay; he was a tenant on a property I purchased in 1878, and which adjoined my own domain; this man was quite well able to pay; he was offered an abatement even on the rental. I never raised the rent on any tenant on that property, nor had the slightest intention of doing it, but thinking that his land was relatively higher let than that of the other tenants, I offered him an abatement, which he did not accept. I offered to take up the worst part of his farm even, and leave him the good part at a valuation, but he would not accept this offer, and I put him out, and from that time I was boycotted.

6874. Have you been seriously inconvenienced by boycotting?

I have been greatly inconvenienced.

6875. Have your servants left you?

They are the only people who remained loyal; they were all Roman Catholics that remained. I had 50 or 60 labourers employed, some of them under the Board of Works' arrangement, and they all went.

6876. How have you been able to get labourers?

The boycotting cooled down. I got some emergency men to assist me, and one of my herdsmen remained, who happened to be an Orangeman, but the labourers all left, and very few of them came back, except some of the old ones; they came back some three or four months afterwards by degrees, but I was very slow to take them back, I need not tell you.

6877. Were you very much annoyed by this boycotting?

I was greatly harassed; so much so that we were obliged to go to the post ourselves; contemplating the boycotting, I was obliged to lay in provisions prior to serving the notices, and all necessities in the shape of flour, groceries, and things of that kind. As I was farming myself, I was able to kill the meat that we required.

6878. Are your tenants much in arrear?

A good deal in arrear.

6879. How will the Arrears Bill affect you, should it pass?

So far as I have read about it, it appears that one year is to be paid by the Government on the faith of the tenant paying another year.

6880. Marquess of Salisbury.] The tenant is to pay first one year?

The tenant is to pay first one year; that is the way I read it, and then on the tenant showing a clear receipt, the Government will pay the other.

6881. The Government will pay one year, if it does not amount to more than half the remaining arrears?

Quite so.

6882. Chairman.] Will that be a benefit to you?

I think it will be a benefit to me.

6883. Do you think that you will get money that you would not otherwise be able to get?

No doubt I will. I think it will be of use to the poorer class of tenants.

6884. What

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Colonel O'CALLAGHAN.

[Continued.]

6884. What effect do you think it will have upon small landlords throughout the country?

I think it will have a great effect upon the small landlords throughout the country.

6885. You think it will be advantageous to them?

In that way I do. At the same time, I think it is a most demoralising Bill.

6886. Marquess of Salisbury.] What do you mean by demoralising?

I think it is a premium for people to run into debt. I think they will agitate again a few years hence; I have no doubt in the world that they will do so.

6887. You mean, if they find the Government pay their debts, because they have made themselves disagreeable, they will make themselves disagreeable again?

I have no doubt that they will. It is the general impression of all honest men. I cannot help telling you so, though perhaps I ought not to have said so.

6888. Chairman.] I suppose you are aware of the position of a great number of your friends who are small landlords in Ireland?

I am. I may call myself a small landlord paying those outgoing.

6889. Are you aware whether many of them have been reduced on something like the same scale?

They have been reduced. I fancy some of them have been reduced even to a heavier extent than I have.

6890. What do you anticipate as the result of this reduction?

We anticipate that it will be utter ruin to some. To those men who have very large families, and who are paying large outgoing and family charges in respect of which they are receiving no abatement, it will be a most serious thing, I need not tell your Lordships.

6891. Do you think there will be a large number of landlords in Ireland who will be absolutely ruined if these reductions go on?

I am quite certain of it. I do not hesitate to tell you so; this Land Bill is running a coach and four through everything.

6892. Will they be forced to sell their properties at a very large loss?

Ultimately, I fear, they will.

6893. Marquess of Salisbury.] Can you sell land at all now in Ireland?

Property is at present unsaleable. You may possibly ask me how I have been able to pay these outgoing. I have had credit at the Provincial Bank, and it is through that credit that I have been able to meet my outgoing up to this time.

6894. Chairman.] But if you have had credit at the Provincial Bank and had to pay these charges that you have to pay, how are you going to pay back to the bank the amount of their advances out of what you would receive under the Arrears Bill?

I suppose I will be able, if I get any money out of the Arrears Bill, to pay back some of my debt to the bank. I cannot tell yet what I may be able to do.

6895. But do you anticipate that you will be able to clear off all your charges if the Arrears Bill passes?

I hope I will.

6896. Lord Brabourne.] You do not anticipate that the Government will interfere by legislation with the debts of the landlord and mortgagees and so on, in the same way that it proposes to interfere to pay the debts of the tenants and arrears?

I do not anticipate it; of course it would be a great boon if they would take up some of these charges at a reduced rate of interest.

(O.I.)

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6897. Perhaps

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Colonel O'CALLAGHAN.

[Continued.]

6897. Perhaps you do not see any reason why they should not pay the debts of one class as well as the debts of another?

It is a very great hardship to us landlords to be treated as we are.

6898. Your rents were not complained of before the Land Act passed, I think, you said?

I think, relatively to the land all round me, my rental was possibly a little higher, but the rents were paid promptly up to 1879.

6899. Supposing there to have been no Land Court instituted, do you anticipate that you would have received and obtained the same rents from tenants as you had before?

I am quite certain that I would; I have given very large abatements since 1879; I have given them what they have asked; they asked for 25 per cent., and I have given as much as 30, 35, and in the mountain districts 40 per cent. to 50 per cent.; I do not blame the tenants at all; it is the political agitators who have ruined the country.

6900. From your possibility of getting rents you have had eliminated the element of competition, have you not?

Yes; there have been three or four instances on my estate that I could enumerate where very large sums have been paid to the outgoing tenants. They came and asked me if I would allow it to be done, and I said, "It is not the custom on my estate, but if you arrange it between yourselves I will wink at it;" and there were very large fines paid; and in two instances I put on a stiffer rent, because I wanted them to sell to the adjoining tenant, and not to let a stranger come in. I said, "If you come in there you will have to pay me 1 £ a year extra," and that did not stop them; they paid a large fine to the outgoing tenant, and in two cases, in the mountain, they paid me, I believe, 1 £ a year additional.

6901. I suppose that your tenants would have considerable value in their farms, in the shape of tenant right, at the present moment?

They would. There is a paper here that I can leave with your Lordships, if you wish me to do so, that will show the tenant right of the 27 cases heard.

6902. You allowed the arrears to accumulate partly, I suppose, from the fact of knowing that the tenant had that valuable right in the farm?

I had no arrear up to 1879; no hanging gale existed on my property. I will tell you what I did; in the famine years I was in the service, and my guardians advised me to forgive the arrears; I did so; and they amounted to 5,800 £. I gave also a per-centage reduction of 25 per cent., and afterwards they got a valuation.

6903. Will you read out to us what the charges are upon this estate, if you have no objection to do so?

I pay on a mortgage to the Westropp trustees 382 £. 10 s.; head rent on another portion (Miltown), 182 £. 6 s. 2 d. Another head rent, 69 £. 3 s. 7 d. My mother's jointure, 369 £. 4 s. 8 d.; a small mortgage to my sister, 25 £.; quit and Crown rent, 17 £. odd; tithe rent-charge, 64 £. 7 s. 5 d.; drainage charge, 22 £. 12 s.

6904. Is that drainage money which you have laid out in improving the property?

No, I have not included that in my charges at all. This is what they call arterial drainage.

6905. That solely is improving the property?

It is improving the property, but strange to say the tenants have not made any sub-drains into it.

6906. Surely it was done with a view of improving the property?

Clearly so, but they have not taken advantage of it.

6907. That may be, but the money was laid out on your account with a view of improving the property?

It was.

6908. Is

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Colonel O'CALLAGHAN.

[Continued.]

6908. Is there anything else?

Income tax and poor rate amount to about 200 *l*.

6909. And those are the charges that you have to meet before you receive any rent at all?

Those are charges that must be met, sink or swim, and from which no abatement can be got.

6910. Duke of Somerset.] You said that your labourers left you, I think?

I did; that was after the boycotting, and before the eviction. It was after my serving notices myself on four tenants towards the close of 1880.

6911. What became of those men who left you, what did they do?

They went to work; they did not seem to starve; they had worked for me, some of them for years and years, and were part of my permanent staff. And some of them were people I had taken in under the Board of Works drainage scheme.

6912. They went to work for other people?

They went to work for other people. I do not know what became of them really.

6913. Had you any that emigrated?

There has been a good deal of emigration going on all through Ireland, particularly the south and west.

6914. From your neighbourhood?

Yes.

6915. Have they been tenants or labourers who have emigrated?

Tenants' sons, principally, and I think a good deal of the bone and sinew has been going out of the country.

6916. Marquess of Abercorn.] Do you find the best men generally going?

No doubt that is so as a rule. It is about 30 years since I left the army, and I have been my own agent ever since, and know a good deal of the working of these things.

6917. Chairman.] Did the Sub-Commissioners inspect these holdings?

Yes, two of them did; I was present.

6918. Did they give the holdings a good inspection?

I must say for the two Sub-Commissioners, Captain McCausland and Mr. O'Keefe, who visited my property, that they made a most painstaking examination, notwithstanding that they and I differ as to the value. There seems to be one glorious rule of reducing the rents generally, more or less, as the case may be; but I was astonished that on the good lands let by my father at 2 *l*. an acre they went so low as they did, going down even to 1 *l*. 5 *s*., and below it on the average.

6919. Did they fix the tenant right?

They fixed the tenant right, and I will leave the newspaper here which shows the cases listed. I brought it with me. It is the "Limerick Chronicle," and I will leave it with your Lordships; but the Commissioners certainly made a most painstaking examination of my property. I was with them two days, and when they seemed to have any doubt, they went back. Of course I stood away, and did not see them tabulating or listen to what they were saying, but they certainly seemed to examine things very closely. I know nothing about their capabilities as to valuing land, and do not know anything about their antecedents.

6920. Were the farmers with them when they were valuing the land?

They would only allow each tenant on his own holding, and I think they did so very properly, and that they were quite right in that.

6921. Did they value it in good weather?

Fairly good weather. One day was a very fine day; the next day was showery.

(O.I.)

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6922. Viscount

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Colonel O'CALLAGHAN.

[Continued.]

6922. Viscount *Hutchinson*.] It was not weather had enough to obviate their coming to a fair decision?

I think there was nothing in the world to prevent their coming to a fair decision.

6923. Marquess of *Salisbury*.] When you say the tenant was allowed to be with them on his own farm, was he allowed to speak to them and give evidence with respect to it?

Certainly.

6924. And were not you allowed to give evidence at the same time?

Well I was, but I did not choose to give evidence. I thought I might only make matters worse. If there was any doubt about the boundary I used to point it out, as I know the bounds pretty well myself. I left the tenants pretty well in every instance to do that, but I used to show them the outer boundary of the adjoining landlord.

6925. Did you hear all that the tenants said to them?

I heard the tenants in a great many cases pointing out their improvements, such as showing where they made a drain. The Sub-Commissioners asked if the drains were working, and they sometimes would go to the outlet, but in most of these cases the tenants' drains are very shallow; they are not made the depth that they ought to be made.

6926. Did you point that out to the Commissioners?

I did not.

6927. Why did you not?

I did not converse with them much at all.

6928. Then the tenant's case was represented and yours was not?

I have just answered your Lordship that I did not speak very much with them at all.

6929. Viscount *Hutchinson*.] You thought the place to bring forward your facts was in court, I suppose?

The attorney argued for me in court entirely.

6930. Marquess of *Salisbury*.] What motive had you in a reticence which must have been injurious to your interests?

To tell you the truth it did not occur to me at the time. I thought myself, and I do think so still, that the tenants' cases are much more believed than the landlords, judging from the sweeping reductions that they have made everywhere.

6931. Viscount *Hutchinson*.] You were saying that the tenant pointed out drains that he had made, and that the Commissioners went to the outlet occasionally and examined?

They did, to the best of my recollection.

6932. Did a case ever happen upon your land where they took a little more pains to verify the drain than that; instead of going to the outlet, did they cause a drain to be opened in the field, or anything of that sort?

No, I did not see them open up any drain in the field, but I saw them occasionally dig the soil.

6933. In order to test the soil?

In order to test the soil.

6934. But not for the purpose of finding out the drain or anything of that sort?

No; I saw them in many places test the soil.

6935. We have heard that it is possible to make an outlet without making a drain?

Quite so.

6936. That has not occurred to you personally?

No.

The Witness is directed to withdraw.

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Captain BAPTIST JOHNSTON BARTON, is called in; and Examined,
as follows:

6937. *Chairman.*] I BELIEVE you are the owner of an estate, and have been since 1851; is that the case?

Yes, in the County Donegal.

6938. Was this estate in Chancery before you came into it?

No; my father died in the year 1851; I was then only about three years old; I then became a Ward of Chancery.

6939. And when did you take possession of the estate?

In the year 1869; the year I came of age.

6940. You have a home farm of your own?

Yes.

6941. How large is that?

Taking the rough and the smooth land in it, it is about 240 acres, I think.

6942. You have worked that yourself?

For about 10 years.

6943. I suppose you thoroughly understand farming?

I think so.

6944. Your estate in Donegal is how many acres?

It is 8,200 acres.

6945. What is the rental?

The rental is 1,434*l.* some shillings.

6946. What is the valuation?

The valuation of the part let to tenants is 1,114 *l.*

6947. Viscount *Hutchinson.*] The whole figure you gave us in gross just now includes your own farm?

It does, and waste mountains, which are not let at all.

6948. What are they used for; common pasture?

There is turbary on them; the tenants now wish to get possession of them for their own purposes.

6949. I suppose they have had the run of them for a great number of years, or the use of them?

No, they have not; in certain townlands they have had the use of them, and in several others they have paid a nominal sum for the use of them, a shilling a head, or something of that sort.

6950. *Chairman.*] There is no stint upon these mountains?

No.

6951. You do not limit them to any specified number of sheep or cattle?

No, certainly not.

6952. Marquess of *Abercorn.*] What is your nearest market town?

I am near the village of Milford, where there is a fair. I am about eight miles from that. I am in a very remote place about 12 miles from Ramelton; the nearest town of any note is Londonderry, that is about 25 miles off.

6953. *Chairman.*] The tenants then hold the mountain in common, do they?

It is not the same all over the estate; in certain mountain lands they have them, and have been allowed to graze them. In other parts of the estate I have

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Captain BARTON.

[Continued.]

have held the mountains myself, and put a small charge upon them, but my own opinion is that they run their cattle upon them without paying.

6954. Are the majority of the holdings large or small?
Very small.

6955. What is the number of tenants?
Three hundred and nineteen.

6956. Was there any change made in the class of holding at any time?

I cannot speak from my own knowledge, because it happened before I was born. About 40 years ago my father had a survey made of the estate. The houses were all in clusters and small villages, and they held the land in ruadale, a piece of the high land and a piece of the low land, and so on. At that time the farms were squared, and I believe the tenants cast lots for the new farms and went to live in them, and have been there ever since. That was in the year 1844, nearly 40 years ago.

6957. There has been no increase in the rental since that date, has there?
Yes, there was an increase on some of the holdings about seven years ago.

6958. Did you employ a valuator?
Yes.

6959. Who was it that you employed?
A Mr. Hamill was employed about the year 1871.

6960. Was he a good valuer?

He was said to be a good valuer; he had valued for the late Lord Leitrim and other people, I believe, in my neighbourhood. It was Mr. Sweeney, my agent, who recommended him to me. Mr. Sweeney is now a valuator under the Land Commission Appeal Court.

6961. Viscount *Hutchinson*.] Is he your agent still?

He has only got the appointment recently, but I presume he is still my agent; he is acting for me at present.

6962. *Chairman*.] What is Mr. Hamill's valuation?
£. 1,674. It was something over 1,800 £, including my own farm.

6963. What is it in the tenants' hands?
£. 1,674.

6964. Lord *Brabourne*.] That you raised?
It was about 1,250 £; I have not got the figures, but it was about that before the last rise.

6965. *Chairman*.] Did you enforce the valuation in every case?
No.

6966. Is the present rental much below Mr. Hamill's valuation?
I think it is about 17 per cent. below it.

6967. Are there rights of turbary on the property?
Yes; they all have the right to cut turf on paying so much, some 1 s., some 2 s. 6 d. and 3 s. 6 d., and so on.

6968. Is it a nominal charge?
You may call it a nominal sum; it is very small. It varies from 1 s. up to 5 s.

6969. Is there tenant right on the property?
Yes.

6970. Is it limited or not?
No, we have never put any limit on it.

6971. What did it average?

Generally

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Captain BARTON.

[Continued.]

Generally from 12 to 14 or 15 years' purchase; perhaps a little more. The smaller holdings sold higher than the larger ones.

6972. Was there ever any difficulty in getting a purchaser at that rate?

There have not been many sales, but I always found that they got purchasers when they wanted to dispose of their holdings.

6973. Has there been much arrears of rent?

Yes, during the last three or four years.

6974. Is there a good deal of arrears at present?

Not including the last year (of which I have no account yet), there are nearly 1,300 *l.* That has nearly all accrued during the last four years.

6975. £1,800 on a rental of 1,400 *l.*

Yes.

6976. Then there is nearly a year's rental due?

Nearly a year's rental. Of course there is more now because this last has been a badly paying year, too.

6977. Is that divided among all the tenants, or do some of the tenants owe two or three years?

Some owe nothing at all, and some owe four years. Some have not paid any rent all that time.

6978. Are they chiefly the smaller tenants who owe the most?

The smaller tenants owe the most.

6979. What proportion of them owe three and four years' rent?

A good many of them.

6980. How will the Arrears Bill affect you, should it pass?

According to a rough calculation that I have made, I think I will lose about two-thirds of my arrears. I think I will get about one-third, because, from those who owe a year's rent, I shall only get half-a-year's rent, and from those who owe four years, I shall only get one and lose three; therefore, in many cases, I should lose three-fourths.

6981. How do you make out that if a man owes four years' rent, you will lose three?

Because I can only get one year according to the Bill.

6982. You would get one year from the tenant?

These arrears are over and above that. I am not considering this last year at all; I do not speak of that.

6983. But you probably have not received your rent during the last year, have you?

I have not got a shilling myself, but I believe there has been some got to pay the outgoings or charges. I have not received any money for a year out of my rents, to May and November 1881, I have not got a shilling of that.

6984. Do you think you could recover these arrears if the Act were not passed?

I am certain I could recover more of them than the Act will give me, I am quite certain of that.

6985. Therefore you think the Act would injure you?

Yes; I would rather take my chance. If you will allow me to make a remark upon that, the way the Act will injure me is this: those tenants who are hopelessly in arrear, and from whom I could recover nothing, would not be able to pay the year's rent required to qualify them for the operation of the Act, and, therefore, the Act will give them no relief; and those who have something will pay, and so get the benefit of the Act; and from those men I consider that I could have taken the money in the process of time.

6986. Have many originating notices been served?

About 70, or close upon 70, were served.

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Captain BARTON.

[Continued.]

6987. How many cases have been heard?

Only four have been decided upon as yet; 15 cases were listed.

6988. Would you hand in a table, showing the results of those cases that have been decided?

I have drawn out a small table of those four cases. (*The Document is handed in, vide Appendix.*)

6989. What has been the reduction on those four cases?

The reduction has been 28 per cent. on the four cases. This table includes the Government valuation, the valuation made by Mr. Hamill in 1871, and the valuation made by Mr. Nolan this year for the purposes of the court (that is for my defence), the old rent and the judicial rent.

6990. Marquess of Abercorn.] Are the reductions below the Government valuation?

In three cases out of four they are below it. In the other case they are a few shillings above, but I think they always go pretty near the Government valuation.

6991. Chairman.] You mentioned that there were 15 cases listed, what happened to the other 11?

All these parties came to me to try to settle before they went into court.

6992. Did the four that went into court come to you to settle?

I did not settle with them; they seemed to prefer going on, thinking that they would get more by going into court. They simply made a formal offer of a settlement, and then went away.

6993. What did the 11 do?

I came to terms with the 11.

6994. You made a settlement out of court with them?

I did make a settlement out of court as far as I was concerned.

6995. And did they sign statutory terms upon your settlement?

No.

6996. But they agreed with you as to a settlement?

They did.

6997. And in consequence of that did you withdraw the cases?

The cases were simply struck out.

6998. Struck out as settled?

Yes, struck out as settled.

6999. May I ask you why, if you agreed with your tenants, you did not get them to sign statutory terms and lodge them?

I was under the impression that in these cases which had been listed for the court when the Commissioners came round, the amounts which we had agreed upon would be declared to the court. It appeared it was not so; the cases were simply struck out. Then I got the agreements prepared, but the tenants were unwilling to sign them, because the tenants who had gone into court had got better terms than they themselves had got from me.

7000. They have backed out you mean?

They have not said so, but they would not sign the agreement; I have the agreements lying ready for them with the parish priest, who I thought would be a good person to witness them, and these men who were listed for that particular court will not sign them at all, I understand.

7001. Lord Brabourne.] Had you agreed with them for a reduction?

Yes, a considerable reduction; but I said also in dealing with them, that if they came to a settlement with me amicably I would take the year's rent then agreed at the reduced rate, though according to the law the agreement would not come into force for another year. They paid some rent at the reduced rate, got the receipts, and then wished for further reduction.

7002. Viscount

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Captain BARTON.

[Continued.]

7002. Viscount *Hutchinson*] May I ask you what the terms of your arrangement were; I presume that they were not as much as 28 per cent. reduction?

No, they were not as much as that. I think those I settled with were probably about 20 per cent. reduction; I cannot tell you accurately, but I think it was about that.

7003. *Chairman*.] Had the tenants made much improvement upon the property?

I do not think so; they swore to a good many improvements, but I do not think they were made.

7004. Could you see any signs of improvement?

No, I have never observed any improvement.

7005. What class of evidence did the tenants give?

The tenants themselves and their sons in some cases; their families gave evidence as to value, and they produced witnesses who stated that they had valued holdings; they were men unknown to me, or most of them; they were publicans, and people of that kind.

7006. Did the tenants themselves state what the fair letting value of their holdings was?

Yes, they all did. In the first case that was heard, a man called Reid, whose rent was 40 *l.* 6 *s.* 10 *d.*, and who had been paying that since the old valuation of 1844 at all events, swore that his land was worth only 17 *l.* 10 *s.*; his valuator swore that it was worth rather more, and my valuator put something higher than the old rent.

7007. What did the Sub-Commissioners do?

They took 25 per cent. off, and made it 30 *l.* 10 *s.*

7008. Was there any other case of the same description?

There was another case of widow Deeny; that is an extensive holding of 40 or 50 acres, and the old rent was 9 *l.* 10 *s.*; the tenant swore that that farm was worth 5 *l.*, and the valuator swore the same, and the Commissioners made the rent 7 *l.* The poor law valuation was 6 *l.* 10 *s.* In another case the old rent was 8 *l.* 15 *s.*, and the tenant said in that case that that would give about 3 *l.* or 3 *l.* 10 *s.* I believe in that case, either that or the next, the tenant said that the farm was practically worth nothing at all to a person to live upon, but he supposed that he would not get it for that; that was the expression he used.

7009. Were you able to prove that he kept a certain amount of sheep or cattle, or stock upon it?

In some of the cases I could prove that only upon their own admission. I had no evidence upon that. There was a mountain of some hundreds of acres attached to one of the townlands, and the tenant was examined as to that, and his stock on it. He first of all said that the grazing was of no value; then, on cross-examination, he said he had stock on it; and that at present he had about 40 head of sheep on the two farms and about 9 or 10 head of cattle. One of the Commissioners asked him, "How many months of the year are you able to graze and keep these cattle on the mountain?" he looked at him for a moment, and then the question was repeated, and then he said, "Oh, we have no other place to put them; we keep them there altogether." It appears that he had the arable ground all cropped, and kept the stock on the hill.

7010. Did he admit that that was of any value to him?

It was before this that he had denied that it was of any value whatsoever; then he had to admit that it fed the whole stock of the townland. In that case the rent was reduced from 8 *l.* 15 *s.* to 5 *l.* 5 *s.*, which is somewhat below the poor law valuation.

(O.I.)

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7011. I understand

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Captain BARTON.

[Continued.]

7011. I understand from you that the tenants you settled with have now refused to pay the agreed rent as between you and them?

"Neglected" is more the word than "refused," because refusing implies an interview, and there has not been anything of the kind.

7012. Do you expect that they will refuse?

I expect that a good many of them will refuse.

7013. Then they will again go into court?

I am quite sure they will if they can make anything of it.

7014. You gave a substantial reduction to those who made the settlement with you?

I thought I had given them a good deal, but the Commissioners gave more. Those tenants thought I had given a great deal, too, at first.

7015. What was your reason for coming to an arrangement out of court with those tenants?

I had several reasons: one was, that I was afraid of the costs if I had to employ valuers and defend all those cases. They would cost me 4 l. or 5 l. a piece, and it would come to a large sum of money, going over the whole estate. Another reason was, that I knew that there was no use in kicking against the wall, and that any rents would be reduced, whether I fought them or whether I did not. I knew how they stood with regard to the poor law valuation, and I thought that there was no use making a fight about nothing.

7016. You do not consider that they were too high, do you?

No, but according to the new standard they are.

7017. Marquess of Salisbury.] You had the impression that the Commissioners would reduce certainly to the poor law valuation?

I have read the newspapers almost daily since the Commissioners began the working of the Act, and that is the judgment I have formed.

7018. You think that is the only rule they act upon?

I think it is one of their chief rules.

7019. Have you any notion of the process other than that by which they proceed?

I think they depend upon any skill they have themselves in going upon the land. I do not think they attend much to evidence. The evidence is very conflicting generally.

7020. Chairman.] Did you not find it very difficult to fight these cases; as you told us just now you had not received a shilling of rent for so long a time?

I am very badly off for money to fight them. I would not have got the means to fight them all.

7021. Marquess of Salisbury.] Is the expense very large?

I have not got the bill. I was unable to get it from my attorney. He was away at the quarter sessions, or I should have had it with me. In large holdings I am told that it is trifling, but in small holdings it would be a year's rent, probably, in each case. My valuer would charge 2 l. 2 s. every time he goes on a farm for me; the tenant will get the same thing done for 5 s.

7022. Viscount Hutchinson.] By a neighbour?

There are some people who have taken up this sort of business now, and who go about the country and do it.

7023. Marquess of Salisbury.] A landlord's cheap valuator does not exist?

No, I never heard of one.

7024. Chairman.] May I ask you whether it is easy for a landlord to get a valuator of any sort?

It is very hard to get anyone at all; if these professional men are disengaged you could get them, but such a man as values for the tenants would not come to us at all.

7025. Do

7th July 1882.]

Captain BARTON.

[Continued.]

7025. Do you think it would be dangerous for a tenant farmer to value for you if you were to ask him?

If a person of a friendly feeling was disposed to do it, I should not like to put him in that position; I think the people might visit it upon him again, either in his property or person.

7026. Viscount *Hutchinson*.] How do you suppose the 70 tenants who went into Court made arrangements as to their costs?

I talked to some of them about it at different times. Some of them said they had paid in advance; others said they had paid nothing. It seems to be according to what attorneys they went to. Some attorneys trust to getting it when they get the reduction. Others told me they had to pay 10 s. "in hand," as they called it, before their cases were taken up, but I do not know how they will ultimately settle about costs. I could not tell you that.

7027. Did you ever hear of an attorney arranging to conduct a certain number of tenants' cases for a certain sum; that is, to divide the costs between them?

I do not think I have heard that spoken of in connection with this question. I know that it is a common thing, under the old Land Act of 1871, in cases where there was an increase of rent likely to be made upon an estate, some person would go round and collect a lot of money, and give it in a lump to the attorney to defend them.

7028. Was it for the district or town land?

Yes, just a levy of that kind. I have not known that done in connection with this Bill, though it may have been done.

7029. *Chairman*.] What effect do you think the passing of the Land Act of 1881 has had upon the state of the country; do you think it has improved it?

I do not think it has had any effect upon it at all, so far as I can see. I think the tenants are just as unwilling to pay the low rents as they were to pay the high ones.

7030. Do you think it has given the tenants an impression that they have only to hold on to get further concessions?

I think it has given them that impression, that the more they ask for the more they will get.

7031. Do you believe that they think they will get their land for nothing?

I believe the class of persons I live amongst in some out-of-the-way parts think that they will get rid of us in a short time.

7032. Marquess of *Abercorn*.] Do you think that it has improved or that it will improve the relations between landlords and tenants?

I think the litigation is always making it worse.

7033. *Chairman*.] Is your estate charged?

It is. It is heavily encumbered.

7034. Have you got a list of the encumbrances?

I have not, but I have a memorandum of them.

7035. Title instalments?

£. 84. 14 s. 8 d.

7036. Quit rent?

£. 18.

7037. Poor rates?

Poor rates about 70 l. Of course they vary.

7038. Agent's fees?

Over 70 l.

7039. Bailiff's salary?

Bailiff's salary and estate management amounts to 30 l., and that is a low estimate.

(O.I.)

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7040. Mortgages

7th July 1882.]

Captain BARTON.

[Continued.]

7040. Mortgages and family charges?

I pay 600 *l.* on a mortgage and charge to my sisters.

7041. And the whole of them together makes up how much?

It comes to 872 *l.* 14 *s.* 8 *d.*7042. That, out of a rental of 1,434 *l.*, leaves 559 *l.*?

Yes, it is somewhere about that.

7043. And if these reductions still continue, do you anticipate that there will be any margin left?

If the rents were all reduced at the rate at which the Sub-Commissioners decided these four cases, I do not believe there would be any margin; certainly not 100 *l.* I should say. The only hope is that I may get off a little better in the future than I have in the past; but I have no reason to suppose that I shall do so, except the doctrine of chances. If I accepted the decisions already given as operating over all my estate, it would practically ruin me.

7044. It would leave you absolutely without the estate?

It would leave me with the responsibility and with none of the emoluments.

7045. Are you acquainted with gentry in your part of the country who are in the same position?

Yes; it is a thing people are very reticent in speaking of. I would speak more freely to your Lordships than I would at home about it, and I think that there are a great many estates as bad as my own; probably just as bad. I know of cases that are worse.

7046. Do you know of any cases where men who have been in business, for instance, have purchased small estates, and left part of the money out on mortgage?

No, I do not know many of those. The only parties that I know in that position in my part of the country are the Musgraves of Belfast, who are very wealthy people; I do not know many people of that class.

7047. Your anticipation is that a large number of small landlords, if these reductions go on, will be swept off the face of the earth?

I think they will. I had to borrow money from time to time from my agent to meet the charges; I was always trying to reduce my expenditure as the rent came down, but it was not always practicable, and last year I had to sell all my farm stock, and implements and crops, and things of that kind, to get money to carry on; so that I am left with my own farm without anything on it at all. The remnant of that money I have been living upon; I have not got anything from my agent this year, and do not anticipate that I shall.

7048. Did you make any suggestion or offer to your mortgagees with regard to the charges on your estate?

About two years ago, when these reductions first began to be talked about through the country, my tenants came to me and said that they wanted a reduction in their rents. I told them that I was heavily embarrassed, and that, practically, only a portion of the estate belonged to me; but if the others interested in it were willing to bear their share of the loss, I would be very glad to hear mine. I then directed my agent to write to the mortgagee of the estate, and also to the representatives of my sister, who is dead, and asked them if they would make any reduction if I were to make a reduction of 10 per cent. in the rent. The mortgagees wrote back to say, through their solicitor, that they wanted the money themselves, and were depending upon that interest, that they did not wish to inconvenience me, but that there was a penal clause in the mortgage by which they could call in six per cent. interest, instead of four per cent.; they would be sorry to do that, but if the money was not paid at a certain date, they would have to do so, so I had to get the money and pay it as soon as I could.

7049. And you borrowed the money to pay the mortgagees?

You can scarcely call it borrowing; I overdraw my account with my agent.

It.

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Captain BARTON.

[Continued.]

it is practically the same thing as borrowing; he would show me so many hundreds of pounds to the bad at the end of the year, and I am sorry to say it is so still.

7050. *Marquess of Salisbury.*] Do you not think if there was to have been any violent interference with the existing agreement between man and man in Ireland, it would have been fair that the loss should not have fallen wholly upon the one class, namely, the landlords, but in some measure should have been distributed amongst those to whom the landlords had incurred obligations, such as mortgagees?

I am strongly of that opinion. I have been talking of that subject with one of the gentlemen outside within the last few minutes, more especially with reference to the family charges. My sisters were provided for at a time when the rental was much higher than it is now, by my father, and I do not see why they should not bear the loss as well as me.

7051. You think it hard that the burden should be put on one link of the chain?

I do think it hard that the burden should be put on one link of the chain.

7052. *Chairman.*] The fact of the matter is, if what has taken place continues, your sisters will be receiving a fortune out of your property, and you will be receiving nothing?

That is so.

7053. That is the last thing probably that your father intended?

The very last thing he ever dreamt of.

7054. With regard to the Arrears Bill, do you think you will lose any money; can you name any sort of sum you would lose by it?

I should say that I would lose probably about 800 l. by it. I made a sort of calculation of what I should get from each holding, and supposing that each person paid their year's rent and applied to the Court to have their arrears struck off, I think that 800 l. is the least I can lose. I think I would probably lose a good deal more.

7055. Therefore, assuming that the Bill was to pass, I suppose you would be in favour of not making it compulsory?

Yes, I think it would be better not to have it compulsory.

7056. If it were not made compulsory, the probability is you would not make use of it, except in certain instances?

Except in certain cases, I think one might judge of individual cases in which it might be useful perhaps.

7057. *Marquess of Abercorn.*] Do you believe if the tenants were cleared by the Arrears Bill, that they would pay any better in future?

I do not believe they would; I do not think the people under me would pay a hit better, or that they will make any struggle to pay the low rents any more than they did the high ones.

7058. *Chairman.*] You think the rents will have to be collected by pressure in future, at least for some time to come?

Of course, unless everything in the country takes a different turn to what it has taken lately, and I do not see any prospect of it.

7059. *Marquess of Salisbury.*] And if their debts are paid by Government, do you not think that if there should arise another couple of years like 1878 and 1879, that it will occur to them that their debts might be paid by the Government again?

Yes, it would be very strange if it did not.

7060. It would occur to most people?

It would occur to most people, I think.

(O.I.)

D D 2

7061. And

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Captain BARTON.

[Continued.]

7061. And if they remembered that one of the reasons why their debts were paid was because they made themselves particularly disagreeable, do you not think that they would do the same thing again?

I think they would; it would be very natural that they should do so.

7062. That would not be peculiar to Ireland?

I do not think it would. There is another thing; there may be a great many changes in the 15 years, but if the 15 years term does run out, there will be a most tremendous agitation for further reductions at the end of 15 years; and the whole thing will be gone over again, whether times are bad or good, in order to get something from the Government.

7063. Viscount *Hutchinson*.] Have you kept any record of the proceedings in your four cases?

I have only my memory to depend upon.

7064. But you could get no return from the court of the grounds upon which the decisions were made?

No; nobody can get that; they never do give it.

7065. I suppose certain deductions were made on account of tenants' improvements?

Tenants swore to long lists of improvements that I had no means of knowing anything about. One of my tenants (the man Reid) swore to having reclaimed a large quantity of land; I forget how many acres; but I should think 17 or 18 acres certainly, and only this morning I was looking over the two valuations, one made about 40 years ago, and the other this year, and in the arable land of the farm there was less than an acre difference on the two accounts, so that if this land was reclaimed it was long previous to that.

7066. Lord *Kenry*.] If you did not mention a case of that kind you could hardly expect the court to arrive at a fair judgment on the matter, could you?

No; I certainly ought to have done that. I may tell you that this Mr. Nolan, who valued for me first, only went down a day before to make his valuation. I had not seen him or had any communication with him at all, and he got up in court, and they said they understood Mr. Nolan's principles, and it would be sufficient if he would state his figures; then he stated his figures, and went away out of court. When I knew that I was coming here I got the valuation from him, and that was the first time that I had an opportunity of seeing what the difference in the acreage was.

7067. I suppose if the tenant had been obliged to give you notice of what he was going to do, you would have been prepared for it?

I would have been in another position then.

7068. Viscount *Hutchinson*.] You went into court without any idea of what was coming on?

I had not the faintest idea.

7069. Although those improvements have been sworn to now, it is perfectly possible that they may be sworn to again in 15 years, is it not?

It is perfectly possible.

7070. They have been sworn to once?

They have been sworn to once. I heard of a case the other day (I do not know whether I am at liberty not to mention names, but I would rather not do so) in which the agent went on the lands with the Commissioners. The tenant was asked to point out his improvements. He said, "so many perches of drains;" and they said "where are they;" and he went to the main drain, and they said, "get a spade and open this drain," and they opened it and it went about three feet, and there the whole system of drainage stopped, and there was no more. I will do the Commissioners the justice to say that the man's case was dismissed, but that may have occurred in a great many other cases.

7071. *Chairman*.]

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Captain BARTON.

[*Continued.*]

7071. *Chairman.*] Was it the Commissioners who opened the drain?
No; it was the agent.

7072. Do you think that drain had been made lately?

The story was told to me; I am only telling it you from hearsay. The agent told it to me. The drain had evidently been made on purpose for the Sub-Commissioners. That was on one of the largest estates in the County Donegal.

7073. Are you in the army?

I am a militiaman. I was in the army at one time, but I have left it 10 years.

The Witness is directed to withdraw.

Mr. CHARLES HENRY LLOYD, is called in; and Examined, as follows:

7074. *Chairman.*] You reside at Tipperary, I think?
Yes.

7075. You are in the Commission of the Peace for that county?
Yes, I am.

7076. Do you farm yourself?
Yes, I farm about 60 acres at present.

7077. Are you thoroughly acquainted with the value of land?
Yes, I am.

7078. What is the size of your estate?

About 1,500 acres. Not 1,500 acres let to tenants; you would have to take about 100 acres off that. There are about 1,400 acres let to tenants.

7079. How many tenants are there on the estate?
Forty-three.

7080. What is the Government valuation?
About 800 *l.*

7081. What is the rental?
I think it is about 950 *l.*

7082. Of what size are the farms?

Most of the farms are over 20 English acres. It is all English acres; the 1,500 are English acres.

7083. Is the land good?
It is of fair quality.

7084. Is it good for sheep?

Yes, it is good arable and sheep land, most of it; all the upland.

7085. How long have you had possession of this estate?
Since 1861, I think it is.

7086. How long have your family been in possession of the estate?
I do not know exactly, but over 200 years at any rate.

7087. Was the rent higher before the famine time?
Yes, a good deal.

7088. What was it then?
£. 1,500 a year.

7089. Was it reduced?
It was.

(O.I.)

D D 3

7090. And

7th July 1882.]

MR. LLOYD.

[Continued.]

7090. And it has not been raised since?
No, it has not.

7091. It has remained at the present rental ever since?
It has, except in one or two instances, in which I lowered it myself, in 1861.

7092. Have rents been punctually paid?
Very, up to two years ago.

7093. Had you ever any difficulty in obtaining them?
No, none whatsoever.

7094. When did the agitation commence in your part?
I think it was about 1879.

7095. Were you asked then to make reductions?
Yes, I was.

7096. Did you agree to do so?
No, not at that time.

7097. Did you agree to do so afterwards?
I did afterwards.

7098. What reduction did you make?
I took Griffith's valuation.

7099. Did the tenants demand the same thing after that again?
Yes, they did.

7100. The following year?
Yes.

7101. Did you agree to it?
No, I did not.

7102. What has been the result?

They have not paid any rent since, except one or two of them. They cannot pay their rent now because they are so much intimidated; but one or two will say "I will lend you a few pounds."

7103. They say they will lend you a few pounds to go on with?
Yes; only two or three of them do that.

7104. Did you make any allowance for improvement on the property?
Yes, I did. Some time ago, when they were all building new barns and things of that sort, I allowed them the slates for their slating.

7105. Did you give them turbarry?
Yes, some of them had turbarry formerly.

7106. Have they got it still?
No, I took it away from them.

7107. Why did you do that?
They what they call boycotted the bog; they posted up notices that nobody should take any turf on my bog; then I would not allow any of them to cut.

7108. Have you taken any proceedings against your tenants?
Yes, I have.

7109. Have you turned any out.
No, not yet.

7110. Has your taking proceedings had any results?
Yes.

7111. In what way?
They turned all my servants out of my house, and everyone who was in my employment, except two maids and a little boy, who has left me now again.

7112. That

7th July 1882.]

Mr. LLOYD.

[Continued.]

7112. That is to say, you have been boycotted?

Yes.

7113. Have you suffered any inconvenience from being boycotted?

I have, indeed, very much, being obliged to do all my own work. In January I was obliged to bring in the manure and sow my own early potatoes in the garden.

7114. Have you employed emergency men at all.

I got some men from Mrs. Power Lawlor, who is also boycotted; she has a staff there, and I sometimes get men from her.

7115. You are still boycotted?

I am.

7116. Have you been threatened?

No, I have had no threatening letters, but some of my tenants have that helped me; three of them.

7117. Have any of your tenants been into court yet?

Four of them only; I think they will ultimately all go in.

7118. Did the tenants wait to see the effects of the decisions on the others?

Yes, they did. It is only lately that they went in.

7119. Did you get much notice before the trial of those cases that were tried?

No; not the first three.

7120. How long did you get?

I think the summons from Dublin only came three or four days at the very most, before the trials came on.

7121. Therefore you had no opportunity of preparing your case?

No, I had not.

7122. Did you protest against that?

No, I did not indeed; I did not think of it at the time.

7123. What has been the reduction upon those four cases?

About 30 per cent.

7124. Will you hand in the table showing what the reductions were?

This is it. (*The same is handed in.*)

7125. Do you think that the reductions are unfair?

I do certainly.

7126. From your knowledge of the value of land do you think that a man can live and thrive, and pay the old rent?

I certainly do.

7127. You were present at the hearing of those cases yourself?

I was.

7128. Did you produce a valuer?

No; I valued myself.

7129. You would have liked to produce a valuer?

Yes, I should certainly.

7130. Why did you not do so?

I could not get a competent man there that I could depend upon at the time.

7131. Did the length of time that you had notice of the hearing have anything to do with that?

Yes; he would not have had time to have valued the farms.

7132. What class of valuers did the tenants produce?

Tenant farmers, small auctioneers, and those sort of people.

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Mr. LLOYD.

[Continued.]

7133. Are there many charges on your property?

Yes, there are a good many.

7134. Would you have any objection to informing us what they are?

No, certainly not; there is a head rent.

7135. There is a head rent of how much?

£. 234.

7136. And tithe rentcharge?

£. 84.

7137. Mortgagees, and interests, and annuities?

Mortgagees, interests, and annuities, 246 *l*.

7138. And taxes?

The taxes are heavy, 60 *l*.; making in all a total of 624 *l*.7139. If that is deducted from your rental of 900 *l*. a year, you would have less than 300 *l*. a year left?

Yes.

7140. And if these reductions go on at the same rate, do you consider that your margin will be swept away?

Entirely; more than that will be taken away, I think.

7141. Then according to that, you would be left without a single shilling out of your property?

Certainly, it would not be able to meet the charges even on it.

7142. Are you acquainted with any other gentlemen in the same sort of position as yourself?

No, I do not think I know of anyone round about me.

7143. I suppose you know of others?

I do. They are all going in to the courts on Mr. Cooper's estate also, which is next to mine, but I do not know what reduction they will make.

7144. Are you aware whether Irish landlords, as a rule, have heavy charges on their property?

Yes.

7145. If these reductions go on, do you not anticipate that they will have much the same effect upon many of them as they have had upon you?

Most certainly.

7146. You have received no rent lately at all, have you?

Not for the last year-and-a-half.

7147. Has not that been a great difficulty to you in fighting these cases?

It has, of course; I have been unable to enter into law proceedings properly as I would have done otherwise.

7148. Would you have appealed?

I should, if I had had means at the time, but I had not.

7149. And therefore you were not able to appeal?

No.

7150. Marquess of Salisbury.] Is it, do you think, a common case that landlords have not been able to appeal against decisions that they think to be unjust?

I think it is a common case. Many landlords are situated the same as I am, entirely dependent upon the rents, and if they have no money in the funds, or the banks, or anything to go on with, of course they cannot go on when they are refused rents; they cannot appeal, and cannot do anything in that way.

7151. Marquess of Abercorn.] You said you had not time to prepare answers to

to

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Mr. LLOYD.

[Continued.]

to the tenants' applications. What length of time had you, after the cases were listed before they were heard, in which to prepare your case?

I think it was only three or four days from the time I got notice of trial: that is from Dublin.

7152. The Commissioners propose to give three weeks, do they not?

Yes, but they did not on that occasion. On the last occasion I had plenty of time, but that was on account of the adjournment. There were only three cases to be heard in Thurles, and they went on to another place and came back again.

7153. *Chairman.*] Do you think that the passing of the Act of 1881 has had a good effect or a bad effect, on the state of the country?

I think it has had a bad effect.

7154. Do you say that the tenants are worse conditioned than they used to be before?

I think they are; I see them every day in town drinking, and doing nothing else; in fact, they are completely demoralised.

7155. *Viscount Hutchinson.*] That is in Thurles?

Yes, that is in Thurles.

7156. *Chairman.*] Do you think they are trying to get the most they can out of their farms, or leaving them to take care of themselves?

On my property they are all working the farms pretty well, and putting down their crops.

7157. *Viscount Hutchinson.*] I suppose they have more money with which to work their farms than before?

Yes, they have the rent that they have not paid.

7158. *Earl Stanhope.*] Has the Act encouraged the expenditure of capital by landlords?

No, certainly not.

7159. Do you think that in future they will spend as much as in the past?

No, I think, certainly not.

7160. Do you think it is likely they will reside on their property as much as they did in the past?

If they have any means to reside elsewhere, I am certain they will leave their property; I know I should.

7161. *Chairman.*] Do you think that a landlord is likely to lay out any money at all on his property if he can avoid it?

Certainly not amongst his tenants.

7162. *Marquess of Salisbury.*] Do you find that the tenants are willing to accept the present arrangement as definitive, or do you imagine that they look forward to any further Parliamentary interference?

I think, after this is over, they will look forward for more, and agitate for more. I am almost certain of that.

7163. *Lord Brabourne.*] Then you think that they regard the concession that has been made as a concession to agitation and not a free gift by Parliament?

They do, certainly.

7164. At all events, the gift followed the agitation very closely, did it not?

It did, immediately.

7165. *Chairman.*] Do you anticipate any good results from the Arrears Bill?

No, I think it is a thing that will act very badly. I do not think the tenants will pay anything for the future after that Bill is passed.

7166. Do you think it will do any good, for the moment, as regards getting in some of the arrears?

No, I do not.

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MR. LLOYD.

[Continued.]

7167. How do you mean that; you would surely get something from the Government, would you not?

From the Government, of course, I might, but the tenants will not pay their arrears any the more. I do not understand the proposed Act.

7168. The tenant, by the proposed Act is to pay a year's rent, and then he receives a year's rent from the Government, provided there is more than two years due; but, supposing you have received no rent for a year and a half, as you have said, the probability is you would get a year from your tenant?

Unless I accept Griffith's valuation, not one of them will pay.

7169. Under the Arrears Bill you would get a year's rent from your tenant before he could come under its operation?

Then, I suppose, they would pay.

7170. Lord *Brabourne*.] Would not the tenant who has honestly striven, by great self-denial and exertion, to pay his rent in the last few years, feel himself placed in a much worse position than a man who has been idle and not pay his rent?

Of course he will; but I know there are some of them in my neighbourhood who would pay if they were allowed; but they dare not.

7171. What is it that prevents them?

Some of the other tenants will not let them, and the Land League combination will not allow them to pay their rents.

7172. Marquess of *Salisbury*.] Do you think that they have got the money they have not paid you in the bank, or that they have spent it?

I do not think they have any money in the bank wherever else they may have it. They were afraid that the landlords might get the money from the banks through some superior court, or in some way. I do not know whether they could do so or not; but they were afraid the banks would pay the landlords this money when they had it deposited there, and the consequence was that they drew almost all their money out.

7173. The money is in an old stocking, if it exists?

Yes, I suppose it is, or somewhere else.

7174. Lord *Brabourne*.] If there is much money in an old stocking, I suppose that will not be very easily proved when it comes to be a question of ability or inability to pay, will it?

No, of course not, it cannot be proved.

7175. If the bankers could be examined and the people themselves who had money on deposit at the bank, it possibly might be shown that they were able to pay?

Yes, of course.

7176. That would be an inducement to them not to put their money into the banks, but keep it somewhere where it would not be so easily discovered, would it not?

Yes, I think so.

7177. Then do you not anticipate that there will be very great difficulty in proving whether a man is able or unable to pay?

Certainly an enormous difficulty.

7178. And must it not take a great deal of time to investigate the cases if they are properly investigated?

Yes.

7179. Do you think it is likely that the same slipshod way of proceeding, which I understand you to attribute to the Land Courts, will be carried on, and possibly even to greater extent, when you come to these cases of investigating ability to pay?

I am sure it will.

7180. And

7th July 1882.]

Mr. LELOYD.

[Continued.]

7180. And it will take a very long time, will it not?

It will; and I do not think it is possible for them to know whether a man has money or not. At the time of the famine, a few years ago, I know that many men got relief who had a lot of stock on their land, and were very comfortable farmers.

7181. Viscount *Hutchinson*.] Your part of the country has had rather an unenviable reputation the last few months, or the last year and a half, has it not?

It has.

7182. You are not the only proprietor who has suffered from the servants being sent away, are you?

Oh, no; several have suffered in the same way.

7183. Are you able to say whether they have suffered in the same way from non-payment of rents?

They have; no rents are paid except by seizure of stock or that sort of thing.

7184. Between Templemore and Thurles there is a good deal of mountain land, is there not?

Yes.

7185. And small tenants?

Yes.

7186. And these mountains are all centres of disaffection?

They are, certainly.

7187. In fact, it is a sort of vantage ground from which they come down?

It is a regular hubud up there.

The Witness is directed to withdraw.

Mr. JAMES GREER, is called in; and Examined, as follows:

7188. *Chairman*.] I BELIEVE that you are a landlord?

Yes.

7189. And an agent as well?

Yes.

7190. Are you also a tenant?

Yes.

7191. Do you hold land from another landlord?

I do.

7192. You are agent over a property of how much a year?

Different properties to the extent of about 12,000 l. a year.

7193. You have had a good deal of experience in the management of land, have you not?

Yes, I occupy three or four hundred acres myself.

7194. You live near Omagh, do you not?

Yes, about a mile out of it.

7195. Viscount *Hutchinson*.] What class of land is it that you farm yourself?

Principally grazing land now; I have converted it into grazing land as much as possible.

7196. How long is it that you have been managing this land for yourself?

I purchased one townland, on which the greater part of it is, in 1853, and from that time until now I have been getting it into condition.

(O.1.)

E E 2

7197. That

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Mr. GREEN.

[Continued.]

7197. That is land that you own in fee?

Yes, the land that I rent I have had for about three years.

7198. Is it in the neighbourhood of that?

It is on another side of the town, about equi-distant in another direction.

7199. You are agent over properties in what counties?

I am agent for properties in Tyrone, Donegal, and Fermanagh?

7200. Let us take the first estate; who does that belong to?

The first cases that I am connected with which have been heard under the Land Act were the cases of Mr. Sheil, who is one of the divisional magistrates in London.

7201. And he has property in what county?

In Tyrone.

7202. What is the acreage of it?

The acreage of the portion let to yearly tenants is something like 1,000 acres; then there is the perpetuity grant of one quarter of the townland, about 200 more, about 1,200 acres in all.

7203. What is the rental?

The rental before the reduction was 784 l., and deducting the perpetuity rent, it was 749 l. 4 s. Another gentleman, representative of Mr. Muirhead, holds a portion of the townland in fee farm under Mr. Sheil.

7204. Mr. Muirhead's representative has a fee farm grant?

Yes.

7205. *Chairman.*] What is the number of tenants?

The number of tenants, including the perpetuity grant, is 27.

7206. What is the average size of the farms?

I suppose about 30 acres; 30 or 40 acres, besides bog.

7207. Have the tenants served originating notices?

Yes, all the yearly tenants have done so.

7208. Have the cases been heard?

They have.

7209. When did the property come into Mr. Sheil's possession?

It came into Mr. Sheil's father's possession in 1846.

7210. Has any rise of rent taken place since that time?

Mr. Sheil and his father expended 1,586 l. in improvements upon it, and the entire rise of the rent on the townland has been 56 l. 5 s. 6 d. since 1846.

7211. Was that in consequence of money laid out in improvements?

Yes.

7212. How much money did he lay out in improvements?

£. 1,586. 10. 9.

7213. Therefore that was a very small percentage?

Not four per cent. upon the outlay.

7214. Were the rents well paid?

The rents were very fairly paid.

7215. *Earl Stanhope.*] Do the tenants do the haulage or carriage of the material in these cases of improvement?

Yes, I think they cart stones and other building materials.

7216. *Chairman.*] Were these improvements done partly by the landlord in assistance to the tenants?

It was assistance to the tenants.

7217. It

7th July 1882.]

Mr. GREER.

[Continued.]

7217. It was not carrying out any improvement in its entirety?

No; he allowed them so much for the making of drains, and so much for assisting to build the houses, and for gates, fences, &c.

7218. Was the work done by the tenants and paid for by the landlord?

Generally by the tenants and employed labour.

7219. Viscount *Hutchinson*.] But the per-centage was charged upon landlord's outlay, I suppose?

Yes, it was substantially; it was scarcely a per-centage, because at five per cent. it would have come to a great deal more. The whole outlay was what I have mentioned, 1,586 *l.* 10 *s.* 9 *d.*, and the whole increase of rent was 56 *l.* 5 *s.* 6 *d.*

7220. And at five per cent. it would have come to something between 70 *l.* and 80 *l.*, would it not?

Yes.

7221. Was there any particular scale of per-centage fixed on the landlord's outlay, or was it merely that he said, "I have done this for you, and you must pay me more rent"?

Yes, he put on the increased rent from time to time, and added it to the old rents.

7222. *Chairman*.] Were the rents paid regularly?

Yes, they were.

7223. Up to when?

Up to 1879.

7224. Were there any arrears on the estate?

Very little; two or three of the tenants were unable to pay, and they got time; but beyond that there was no substantial arrear.

7225. Did the landlord, when these cases were tried, give evidence?

Yes, he got leave from the Home Office to come over, and gave evidence detailing the facts that I have mentioned to your Lordships.

7226. Did he prove the land to be of good quality?

Yes, he did; and the Sub-Commissioners in their judgment admitted, after viewing it, that the land was of excellent quality.

7227. Did he prove that there was no rise of rent?

Yes, he proved the facts that I have mentioned.

7228. What was the reduction?

There were five cases in which there was no reduction.

7229. What was the average reduction?

The average reduction was 16 per cent. upon the holdings, omitting these five cases in which no reduction was made.

7230. Will you kindly hand in a table of the amount of reduction, and of Griffith's valuation?

Yes, I have got a schedule here showing the acreable quantity, the rent before the reduction, the judicial rents, and the landlord's outlay upon improvements. (*The document is handed in. Vide Appendix.*)

7231. Earl *Stanhope*.] If the tenants were so prosperous, upon what grounds was the reduction made, do you suppose?

Except on a general desire to reduce everything, I cannot tell.

7232. You do not think it was on the tenants' improvements that the Commissioners reduced the rents?

No, I do not think it was.

7233. Still less on their inability to pay the old rents?

I do not think it was.

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7234. *Chairman*.]

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Mr. GREER.

[Continued.]

7234. *Chairman.*] Had the tenants made any improvements?

Yes, they had; they were industrious, thriving people. There were a number of cases in which the farms changed hands in the last eight or ten years; they produced eight and ten and twelve years' purchase for their goodwill, which covered those improvements, and any of the holdings now would sell for quite that or more. I have a list here of the sales that took place since 1868, and the prices paid for the tenant right, and it will be seen that the average sale of the tenant right both before the Land Act of 1870 was passed, and since any alteration was made in the rents, averaged 10, 12, to 14 years' purchase.

7235. Have you any objection to telling us whether there are any large outgoings on this estate?

There is a small head-rent, and there is an annuity to the mother of the present owner. I have no knowledge of any other incumbrance.

7236. Do you consider that those reductions have materially reduced the income of the estate?

Decidedly; the 84 *l.* a-year would represent a reduction of about 2,000 *l.* in its value.

7237. The reductions amount to 84 *l.* a year?

Yes, the reduction which produced 16 per cent. produced that.

7238. *Viscount Hutchinson.*] On a rental of 800 *l.*?

There were five holdings that were not reduced. The reductions are upon a rental of 580 *l.* 14 *s.* 10 *d.*

7239. As a matter of fact, taking the thing as a whole, the reduction is 84 *l.* on the old rental, of what?

On the old rental of 749 *l.*, minus the perpetuity rent.

7240. What is the perpetuity rent?

The perpetuity rent is 35 *l.* 8 *s.*

7241. In point of fact, you may say, that it is a reduction in round numbers of 80 *l.* upon 700 *l.* a year?

Yes. Upon the holdings that have been reduced it is a reduction of 16 per cent.; that is, omitting the five holdings on which no reduction was made. I have put it here as a memorandum. The gross present rental is 784 *l.* 12 *s.*; perpetuity rent, 35 *l.* 8 *s.*; that leaves 749 *l.* 4 *s.*; but, deducting five holdings not reduced, the rents of which amount to 168 *l.* 9 *s.* 2 *d.*, that leaves the holdings that have been reduced, 580 *l.* 14 *s.* 10 *d.*; and the reduction on this is 16 per cent., or 84 *l.* 5 *s.* 10 *d.*

7242. *Chairman.*] Were you present when these cases were heard?

I was.

7243. You employed a valuator, I suppose?

Yes, a valuator was produced by the landlord.

7244. What view did your valuator take?

Mr. Sheils' valuator would have made a slight reduction, but then he allowed the tenants 12 years' tenant right; after deducting 12 years' purchase for the tenant right on each holding, there would have been a reduction of about 30 *l.* or 40% off the whole.

7245. Was there any tenants' valuator?

There were tenants' valuers, who were principally tenant farmers of the neighbourhood.

7246. You have no record of their valuation?

No, I have not.

7247. You cannot tell me what proportion the tenants' valuation and your valuation bore to the judicial rents fixed?

No, I could not state that; I have been passing through London from France and had not the opportunity of looking at my papers. I could have got them from Ireland if I had known earlier.

7248. We

7th July 1892.]

MR. GREER.

[Continued.]

7248. We have had it in evidence on several occasions that the judicial rent is generally fixed on something like a mean or average between the two?

That may be the mode in which they fix it, but I could form no idea of the basis on which it was done.

7249. In fact, you did not arrive at any opinion of the principles upon which the Sub-Commissioners conducted their operations or gave their decisions?

No, I could not possibly do so.

7250. *Earl Stanhope.*] Did you have any notice beforehand of what the tenants claimed as their own improvements?

No.

7251. No intimation until you went into court?

I am not quite certain whether there was a notice requiring them to give a list of their improvements in this case or not?

7252. *Viscount Hutchinson.*] What was the date at which these cases were heard?

I think it was December 1881; they were nearly the first set of cases.

7253. Do you know whether your solicitor served notices upon the tenants to give particulars or not?

I rather think not, but I am not quite certain; I know that he did in another set of cases, in *Ogilby's* estate; I would have been better prepared, but I am passing through London, and have not been in Ireland, for the last six weeks, and stopped here to be examined.

7254. *Chairman.*] With regard to the second estate, who does it belong to?

To the trustees of Mr. *Ogilby*.

7255. Where is it situated?

It is in Tyrone.

7256. What is the acreage?

About 4,000 acres.

7257. What is the rental?

The rental is about 2,000 *l.* a year, besides a house and land in the owner's occupation, which would be value for 200 *l.* yearly more.

7258. Has any rise of rent taken place upon that property?

The owner of that estate expended a large sum under the Government in improving it from time to time. Before my knowledge of it began, I do not know really what increase of rent took place.

7259. *Earl Stanhope.*] You do not think the tenants paid the instalments to the Government Board of Works?

No, I think not.

7260. *Chairman.*] Have the rents been punctually paid?

Yes, I believe they have.

7261. Were they fair, do you think, from your knowledge of them?

I think, owing to the considerable rate at which the tenant right has been sold for the last two or three years, that they must have been so, and were considered fair by the people who purchased.

7262. How many tenants are there on this estate?

Over 50.

7263. How many have served originating notices?

I think nearly all now.

7264. How many cases have been heard?

There have been 41 cases heard. They were heard under two Sub-Commissions.

(O.I.)

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7265. Did

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Mr. GREER.

Continued.

7265. Did you get any notice that the Sub-Commissioners were going to value the land?

No, there was some mistake; I do not think it was intentional on the part of the Sub-Commissioners. That notice was not given. That is, the last set of Sub-Commissioners. I had better distinguish between them: the first 20 cases were heard in February 1882, before the first set of Sub-Commissioners.

7266. With regard to that distinction, you were before two sets of Sub-Commissioners?

Yes, there were two separate Sub-Commissions.

7267. Will you tell us the names of the Sub-Commissioners?

The first consisted of Mr. Fitzgerald, Mr. Comyn, and Mr. Mahoney.

7268. Who were the second lot?

The second Sub-Commissioners were Mr. Wylie, Mr. Cunningham, and Mr. Ellis.

7269. Was there any difference in the class of property which they adjudicated upon?

No, it is the same estate.

7270. Was the rent on about the average the same?

Yes, I think so.

7271. Was there a difference between the results of the two sets of Commissioners' decisions?

Yes.

7272. What was it?

Of the first 20 cases decided by the first Commissioners, there were three cases dismissed. These three cases were dismissed because they were decided by the Commissioners to be part of the home farm, and did not come within the contemplation of the Act. Then there was a reduction of 16 per cent. off the remaining cases according to their decisions.

7273. That was the first set?

Yes.

7274. What was the second set?

In the second set there were no cases of home farms connected with it, and the reduction in those 21 cases was 30 per cent. I have here a list of the decisions of each Sub-Commission. (*The documents are handed in. Vide Appendix.*)

7275. Therefore, apparently, either owing to the fact that Sub-Commissions are giving greater reductions, or owing to the fact that two different Sub-Commissions looked upon the subject from a different point of view, the second Sub-Commission reduced the rents of the same class to double the extent, or nearly double the extent of the first set?

Yes.

7276. Had you any means of judging how either set of those Sub-Commissioners arrived at their decisions?

No, I have no means of knowing that.

7277. Did you appeal in any of those cases?

Yes, there are 11 appeals lodged, I think, against the last decisions, and one or two against the first.

7278. What was the reduction upon the whole estate?

About 24 1/2.

7279. What average per-centage would you say has been made upon the whole estate?

It would be about 22 or 23 per cent. would be about the average.

7280. Do you consider that so excessive reduction?

Yes, I think so.

7281. Why

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MR. GREER.

[Continued.]

7281. Why do you consider it excessive?

I may mention a case in the last list decided, where the tenant on a holding paying a rent of 30 *l.* a year since the originating notice was served sold the tenant right for 420 *l.*, and there were no substantial improvements upon it; yet notwithstanding that the rent was reduced from 30 *l.* to 24 *l.*

7282. Are there many charges upon this estate?

There are very large charges, indeed.

7283. Have you any objection to stating them to the Committee?

No.

7284. Will you say what they are?

One annuity of 500 *l.* a year to the widow of former owner, and a contingent annuity of 200 *l.* to wife of his son if she survives him. There are besides mortgages of over 22,000 *l.*, the interest of which amounts to nearly 1,200 *l.* yearly.

7285. What other charges are there?

Rentcharges and some head rents.

7286. How much are they?

Altogether it is about 240 *l.* or 250 *l.* a year; the head rents, rentcharge, receivers' fees, and outgoings.

7287. Is there any tithe rentcharge?

Yes; that is included in the 240 *l.* or 250 *l.*

7288. And the income tax?

Income tax and poor rates are also included.

7289. Have you counted that in?

Yes.

7290. £. 240 covers tithe rent-charges, agents' fees, and the different things?

Including agents' fees, something between 250 *l.* and 270 *l.* would cover them all, but at present the rentcharges are paid from a separate fund by the agent of another property.

7291. The whole of that added together makes how much?

It would come to more than the rental after the reductions.

7292. Therefore the margin, whatever margin there was, will be entirely swept away?

It will be entirely swept away.

7293. Are you aware, from your knowledge as a land agent, whether there are many more gentlemen in your part of the country who have large charges upon their estates?

Yes, there are a very considerable number.

7294. You consider that a great number of gentlemen in Ireland have charge upon their estates?

Yes.

7295. Do you think if these reductions go on that there is a probability of the margin being swept away in a great many cases?

I am certain of it.

7296. Then, what do you think will happen to the owners?

They will be driven to hoggary.

7297. And utterly ruined?

Yes, utterly ruined.

7298. Are they in a great state of mind about it?

Yes, they are very anxious indeed; especially men who have families, and no other means.

7299. Do you know any cases where men who have been in trade have purchased property?

Yes, I do.

(O.I.)

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7300. And

7th July 1882.]

Mr. GREER.

[Continued.]

7300. And left part of the purchase-money out on mortgage?

I do not know, of my own knowledge, as to their leaving it out on mortgage, but I have no doubt they did.

7301. Will not these reductions come very hard upon such people?

It will come very hard indeed upon them.

7302. People who have invested their money for some sort of comfort in their old age will be in that position, you think?

Yes, I am aware of many cases of that kind.

7303. And the reductions will probably sweep the margin away, and leave them beggared upon the world?

I think so; many of them will be altogether beggared.

7304. Have you any suggestion to make to the Committee by which some of this hardship might be averted?

I think the Government ought to purchase the property from the owners who wish to sell.

7305. That is to say, you would make the Government the landlord of Ireland?

The landlords of such properties as the owners are disposed to sell, because I think there is no other way of dealing with the existing difficulty.

7306. In the present condition of Ireland, do you not think that most of the owners would be inclined to sell?

I think they would, and very anxious to do so.

7307. Provided they could get a fair sum of money?

Yes, even a moderate amount.

7308. Have you come to any conclusion as to what would be a fair number of years' purchase?

Where rents have been fairly paid for 20 or 30 years I think 24 or 25 years' purchase would not be unreasonable. In the North of Ireland the rents have been very fairly paid except in the backward parts of Donegal, west and north-west along the seashore; in the internal part of Ulster the rents have been very fairly paid.

7309. Would you think that it would be an advantage to have any arrangement by which the tenants could be induced to buy?

I do think so, certainly.

7310. By improving what has been called the Bright's clauses?

I think it would be very desirable to facilitate the working of the Bright's clauses, and that the tenants should be encouraged to purchase under them. If they could get advances from the Government at so low a rate of interest as would enable them to purchase their farms and not have any substantial increase of rent.

7311. Do you think that that would help to quiet the country?

I think it should do so, but the existing agitation has been allowed to grow so far, it will require time and firm administration of the law to effect this.

7312. And that it might possibly get the landlords out of a perfectly untenable position?

Yes, I think so.

7313. These unfortunate men, whose margin has been swept away, might possibly sell, and have something left?

They would be most anxious to sell.

7314. They might, at any rate, clear off their mortgages and have some little left?

Yes. If the Government would lend money at a low rate of interest to them to clear off their mortgages it would be an assistance, and I think the Government should certainly condone the tithe rent-charge to them so as to afford some compensation for the grievous losses they are sustaining.

7315. At

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MR. GREER.

[Continued.]

7315. At the present time land is unsaleable, I believe.
It is practically unsaleable.

7316. Therefore, if there is nothing of this sort done, the landlords, who are perfectly broken, will be tied to their properties?

They will be tied to their properties, without any means of release, and if creditors come upon them they will be ruined.

7317. Earl Stanhope.] Has this reduction of rent satisfied the tenants, do you think?

Not at all; at least I think they expect more after a very short interval.

7318. You do not think that it is a final settlement?

Oh, dear, no; I think that it is the worst feature of the agitation.

7319. Do you not think there ought to be some sort of final settlement with the valuation of land?

I think it would have been infinitely better to have had regular professional valuers appointed by the Government to have gone and ascertained what the true value of the land was, and then let the Government, subject to an appeal against that valuation, fix the rents at that amount rather than have it done in the way that it has been done.

7320. Viscount Hutchinson.] Would you have relegated that duty to the county court?

Well, I am afraid the county court is not now so satisfactory a tribunal as it formerly was.

7321. Not satisfactory to whom; do you mean to either party?

I do not think it would be satisfactory to either party.

7322. Still the fact remains that the county court judges carried out the working of the Land Act of 1870 with great impartiality for a great number of years?

They did, but there is a marked change since the Sub-Commissioners began to Act.

7323. Earl Stanhope.] You would have the price of the land determined by the value of the produce of the land, would you not?

The valuers should, I think, take that into account; it would be the proper way to do it. If they took that into account, it would be the fairest way of fixing the value.

7324. There has been a very considerable rise in the value of produce since Griffith's valuation was made, has there not?

Yes, a very large increase. There are some things in the north of Ireland that are depreciated just now in value: flax especially, and oats, at the early part of the year were very low, but other things are a fair price.

7325. Wool is high, is it not?

I do not know about wool; we are not in a sheep country. Butter has been at a very high price, and beef and cattle are both high.

7326. Chairman.] Have you any statement you would like to make before you finish?

I think the Government certainly ought to be urged to condone the tithe rent-charge to the landlords, as they have their different payments still to make the same as before the Land Act was passed; and I think if the Government lent money at a moderate rate of interest to the landlords to pay off their charges it would materially assist them. In the case that I have mentioned of the Ogilby Estate, it would largely assist the owner, because the loans were taken at a very improvident rate.

7327. Earl Stanhope.] Has the promise of the Arrears Bill had any effect upon the payment of rents?

I think it has hindered the payment of rents very considerably.

7328. I suppose, however, it is very much looked forward to by the tenants?

It is very much looked forward to by the tenants, and I think they are not coming

(O.I.)

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Mr. GREER.

[Continued.]

coming forward with payments now, as they would have done had it not been or their expectations of the result of that measure.

7329. Would there not be some difficulty in discriminating between those tenants who can pay and those who cannot pay the rents?

Very great.

7330. How do you think the Commissioners will arrive at a conclusion as to that?

I really cannot tell, because many men have interests in their farms ten times the value of their arrears; if that interest is not taken into account the landlords in the north, who have been considerate to their tenants, and allowed them to go into arrear, will be large sufferers.

7331. Do you think that the effect of Government assistance in paying off arrears will be made a precedent in bad years for similar consideration?

I am certain it will.

7332. *Chairman.*] On the estates that you have to do with, is there much arrears?

No, there is not; the arrears have not been large in the part of the north that I am in. There are on every property some thriftless, indolent people, and others, who are unable to pay, either from old age or infirmity, or scheming people, who since the agitation commenced will not pay.

7333. *Earl Stanhope.*] There is a feeling of uncertainty, is there not?

There is a great feeling of uncertainty, both amongst landlords and tenants.

7334. Have you found, in your experience, any disposition on the part of some of the poor people you come across to emigrate?

Yes. I think if they got facilities to emigrate, a great many of them would be very glad to do it; voluntary emigration, I think, would be of very great advantage to them.

7335. Do you not think that some scheme of Government aid to assist emigration would be of great value?

I think it would.

7336. You have not found the boards of guardians at all ready to come forward and assist?

No, I have not.

7337. Surely if the number of applications for a farm were reduced, there would be more security, because there would be less land hunger?

Yes, I think there would; I think emigration would be a real advantage to the small class of farmers who cannot possibly exist upon the small patches of land they hold. There are many farms in the country that are not at all sufficient, even free of rent, and free of taxes, to support a family, and for those people emigration would be an immense advantage; but of course it ought to be voluntary and carried out with consideration to their feelings and interests.

7338. Do you think that much money comes from America to assist relations left behind to emigrate?

Yes; I think there is a good deal from time to time, but then that does not get the whole family out. That is only a spasmodic thing, to assist one member or two members of the family. The most infirm and feeble are left; they are not able to manage the farms themselves, and then they get into arrears.

The Witness is directed to withdraw.

Adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 18^o Julii, 1882.

LORDS PRESENT:

Duke of SOMERSET.
Marquess of SALISBURY.
Earl of PEMBROKE AND MONT-
GOMERY.

Lord TYRONE.
Lord CARYSPORT.
Lord BRABOURNE.

LORD TYRONE, IN THE CHAIR.

COLONEL E. R. KING-HARMAN, is called in; and Examined, as follows:

7339. *Chairman.*] I THINK you are a large landlord in Ireland, are you not?
I am.

7340. Where are your estates situated?

In the counties of Roscommon, Sligo, Queen's County, Longford, and Westmeath.

7341. What is the acreage of the estates?

About 75,000 acres.

7342. And what is the rental?

The valuation is a little over 40,000 £, and the rental is slightly under the valuation.

7343. Have you been managing this property for any length of time?

I have been in possession myself about seven years, and during the latter years of my father's life I had a great deal to do with the management; he was in ill health, and I took great interest in it.

7344. Is there any difference in the classes of estate in Longford and Westmeath and the other estates?

They are so different, that in giving evidence before the Duke of Richmond's Commission, I asked his Grace to question me separately as to the two estates. I explained that while the two houses are only 35 miles apart, the circumstances of the property are fully as different there as in Sutherlandshire and Somersetshire; in one the population is entirely Celtic, and in the other there is a very improving class of tenant, more like an English class of tenant in fact.

7345. What is the rental of that property in Longford and Westmeath?

The valuation is 15,500 £, and the rental is somewhere about 17,000 £.

7346. Were the rents on this property punctually paid up to the time of the agitation?

Remarkably so; I should think very few properties in Ireland could show such a balance sheet. I have known my father to settle with his agent on that property and have a balance of only a shilling of arrear. I have got here a list of arrears, showing how they have increased since 1876, which, perhaps, may be interesting. In 1876 the arrears on that property were 116 £; in 1877 they were 456 £; in 1878 they were 761 £; in 1879 they were 2,298 £; in 1880 they were 4,331 £; in 1881 they were 5,407 £; that is 5,407 £ in 1881, as against 116 £ in 1876.

(O.1.)

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7347. Would

18th July 1882.]

Colonel KING-HARMAN.

[Continued.]

7347. Would you inform the Committee how you think this increase of arrears came about?

Of course 1877, 1878, and 1879 were bad years, and we were never in the habit of pressing industrious tenants, who, through bad harvests or from other causes, were not able to meet their engagements as punctually as usual. Then in 1880, when there was a very fair harvest, more than an average harvest, the land agitation got completely hold of the people, and every effort was made by them not to pay their rents. That continued and increased during the last year, 1881, and I may say that at the present moment the desire of the people is to pay no rent at all.

7348. In the bad years did you make a reduction to the tenant?
I made no general abatement.

7349. You merely took into consideration cases of hardship?

I took cases of hardship into consideration, and assisted in other ways. I thought that general abatements were most demoralising, and I avoided them and argued against them in every possible way, but wherever I found cases of hardship, I assisted, either by giving the tenants a substantial reduction of rent, or by supplying them with stock, or very largely with seed. That I did, I may say, all over the property; and further, I laid out during those years a sum of over 21,000 £ in drainage, for which I charged no interest.

7350. Upon this property?
Upon that property.

7351. Duke of Somerset.] Were the tenants on that property small tenants?
The size of the holdings rather varies. The majority of the tenants are not what we should call in Ireland small tenants.

7352. About what size are their holdings?

I should say they are on an average about 40 acre farms; perhaps I should be nearer the mark if I said 35 acre farms. Of course a good many are much smaller, because where you come upon the boggy verges you naturally come upon smaller tenants; where it has to be exclusively spade husbandry the farms are naturally smaller.

7353. Chairman.] The money that you laid out was spent, I suppose, with the intention of employing the tenantry upon the estate as much as improving the property?

Certainly. I may say it was entirely with a view of employing the tenantry. In former years my father laid out on improvements, which were for the purpose of improving the property, the sum of 41,547 £. That was during his life time, but during the distress times I laid out 21,000 £ with a view to improving the condition of the people, and I may say that it had that effect. Numbers of the tenants who were run down in their means, and had no cattle then, have now two or three cows; earned by money which they and their families earned by working in their immediate neighbourhood on drainage and other works, which practically improved their farms at the same time.

7354. Did your father charge a per-centage upon the money he laid out?
He did.

7355. Did you charge a per-centage in the same way?
I have not done so; you are now speaking of the Longford property.

7356. I am speaking of the Longford and Westmeath property; I am dealing with that estate altogether up to the present time. Did the tenants upon this estate receive assistance from the New York Herald Relief Fund, which you had something to do with, I think?

No.

7357. They were not of the class for whom that fund was intended, as I understand?

They were not.

7358. Are

18th July 1882.]

Colonel KING-HARMAN.

[Continued.]

7358. Are the rents of this estate, in your opinion, fair or low?
I think they are rather low.

7359. Have you had many originating notices served upon you upon this estate?

I have had upon that property a good many, more than upon the other.

7360. Have the cases been tried yet?

I have only had nine cases tried upon this property.

7361. What has been the result?

A reduction of 29 per cent., and I have appealed.

7362. You have appealed in each case?

Yes.

7363. Does this reduction bring the rents below Griffith's valuation?

Not in these cases. I may mention that in all these cases I was able to prove that the rents had in no instance been raised since 1854. Unfortunately we had not evidence as to when they were raised previously to that, because there had been a change of agency, and the books for some years were missing; but we could prove that they had not been raised since 1854, except where money had been laid out in improving the farm by drainage, which was executed by money borrowed from the Board of Works. The interest in that case had been added; but in the case of some of those farms we showed that the tenants had not been charged the interest which we are now paying to the Board of Works. We took our share of the money, and where we thought it came a little tight upon the tenant we did not charge him the full amount, and the estate is a loser, so to speak, by the drainage which has been done.

7364. Did the Sub-Commissioners examine these farms very carefully?

Yes, they did. They examined myself, and they examined my books, and they examined the land, and they were loud in their praises of the management and the permanent condition of the works; they scouted the idea of the tenants having made any improvement; they saw that everything was in perfect order, gates, drains and so forth, and then they went back, and reduced my rents 29 per cent.

7365. You say that the tenants had not made any improvements, or at least that the Sub-Commissioners thought that they had not; what about the buildings upon the estate?

For the buildings upon those holdings we had always supplied timber and slates gratis, the tenants generally having built the walls. In some of the cases, where there had been offices, we had done the entire work.

7366. Did you produce proof of these things?

Yes, positive proof. We keep an "Improvement" Book in which everything of that kind is entered; and in the case of a farm taken in hand and drained, and the fences squared, we have a map on the one side showing exactly what the farm was before it was taken in hand, and, on the other, an accurate map of all the improvements, showing exactly the position of the drains, and also an account of the whole of the money expended.

7367. Would not any farm that you had treated in that sort of way come under the description of the clause in the Land Act which relates to English managed farms?

One would have thought so. The Sub-Commissioners even noted that nothing had been done by the landlord for sometime on many of those farms.

7368. Nothing had been done by the landlord; what do you mean by that?

Nothing had been done by the landlord for sometime, or for some years, and they noted that there was no necessity for anything to be done, because the work had been so permanently done to begin with that everything was in perfect order at the present moment; and that we considered quite amounted to keeping "in substantial repair."

7369. Marquess of Salisbury.] Have you appealed upon that point?

I have appealed; the cases are at present under appeal.

(O.I.)

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7370. Earl

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Colonel KING-HARMAN.

[Continued.]

7370. *Earl of Pembroke and Montgomery.*] Did you argue before the Sub-Commissioners that they were English managed farms?

They hear the argument first, and go on the farm afterwards. I should have no opportunity of arguing it again. As a matter of fact, in my case they did not come to a decision in the town in which they investigated the cases.

7371. What I asked was, did you plead that those holdings would come under the clause relating to English managed estates.

We did not plead it; we suggested it, and we said that we would leave that to the decision of the Sub-Commissioners; we did not put it on the pleadings because it seems to be such a very moot point as to what comes under that clause.

7372. *Chairman.*] Before we pass from this estate, have you any further remark to make with regard to that portion of your property, that is to say, with regard to the management of it, the difficulty of getting the payment of rents, and so forth?

No, I do not think I have, specially.

7373. Have you taken proceedings against your tenants on this estate to make them pay their rents?

As little as possible. The evictions on the estate for the ten years ending August 1880 have been eight.

7374. But when the agitation took hold of the tenants, as you told us just now that it did, and prevented them from paying, did you not take measures to make them pay?

I did last year.

7375. Were you successful?

I may say that the only rents I have got, with very few exceptions, have been obtained either by process or threat of process, and that on a property where such a thing was utterly unknown three years ago.

7376. Is there any turhary on this estate?

Yes, to a very large extent.

7377. How do you allow the tenants to take it; do they have to pay for it?

I have the management of the turhary entirely in my own hands. I charge a small sum, varying from 1 s. 6 d. to 2 s. 6 d. for the portion which is allotted to every man, according to the size of the farm and the size of his family, and I keep up all the roads and drains, in fact I keep the turf bank in proper repair with this money; and I need hardly say that so small a sum as that represents does not keep it in repair. I suppose my turf banks cost me 200 l. or 300 l. a year.

7378. I suppose you do not allow the sale of turf?

No, except in peculiar cases, near a town. I let a portion of the turf bank, of course, at an increased rent, to a man for the purpose of supplying the town; otherwise the town could not be supplied.

7379. Have the tenants refused to abide by your arrangements about the turf since the agitation came on?

No, not on this property.

7380. With regard to property in Roscommon, Sligo, and Queen's County, were the rents there well paid before the agitation began?

The rents were very fairly paid previous to that time. There is a poorer class of tenants on the Mountain portion of the Roscommon and Sligo property, and of course a bad season always puts them a little more in arrear.

7381. What was the average arrear upon this estate?

I should say that the average was about 1,200 l. or 1,500 l. a year.

7382. Out of a rental of what amount?

Out of a rental of about 23,000 l.

7383. What

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Colonel KING-HARMAN.

[Continued.]

7383. What was the effect of the agitation upon this estate?

In November 1878 the arrears were about 2,500 *l.*; in November 1881 the arrears were 15,700 *l.*

7384. And did you take means to make the tenants pay?

Yes; I have taken every means.

7385. And have you succeeded?

I am succeeding in the same way that I mentioned on the Longford property; collecting, as one may say, at the point of the bayonet, and of course at the loss of all the pleasant relations which used to exist between landlord and tenant.

7386. During the bad years I suppose the tenants suffered acutely on these smaller estates?

No, I do not think so. Some of them, no doubt, would have suffered very severely if we had not taken every care of them.

7387. Were those the tenants that came under that relief fund of which we spoke just now?

Very few of mine came under that relief fund; in fact, I should say, none at all.

7388. They were in the part of the country that did come under that relief fund, were they not?

They were in that part of the country, but my own tenants did not; I took care of them myself, and I did not care for them to come under anyone's care but my own.

7389. In what way did you take care of them during those bad years?

In the year 1878 I began the distribution of seed oats and potatoes, and I think that was, probably, before any other landlord in Ireland saw what was coming. The disease was had amongst the potatoes that year, and the oats were worn out. People had been sowing the same crop year after year, and year after year. I began in 1878. I did not give a large amount then, only 500 *l.*, but from that time it went on increasing. In the spring of 1880 I gave, gratuitously, Champion potatoes to the amount of over 500 *l.* on that property, besides a very large supply of oats and of barley. On that property I made arrangements for a loan, rather larger than the one I undertook on the Longford property, in fact, I obtained one of 6,000 *l.*, which amount I expended. That was obtained on the old rate, paying 6½ per cent; then I went in for 21,100 *l.*, on the relief loan; that is the cheap loan, but of that I only expended 2,000 *l.*, returning the third thousand (which was sent to me) in consequence of the state of the country. By that time the agitation had come to such a head, and the state of the country was so hostile and so thoroughly bad in every way, that I could not see my way to laying out money and burdening myself and my successors to help these fellows, who were simply in open rebellion against one.

7390. What is the average size of the holdings on this estate?

I could hardly give the average size, because the property is so exceedingly different, containing some of the finest lands in Ireland; those are the grass lands of Boyle, which are proverbial. There the holdings run to 100, 200, 300, and 400 acres; then, when you come to the mountain side, they would be from 15 to 20 acres; I should say 15 acres is about the average.

7391. Is there any sheep stint on the mountains?

No, none, or next to none; so little, as to be useless.

7392. Do you allow commonage, or is it marked off to each tenant?

There is a small amount of commonage on the grass mountains, but very little.

7393. There is no particular commonage attaching to each farm as in some other parts of Ireland?

No, none, except, as I say in the case of two or three holdings. There might be 30 or 40 tenants on the whole who are allowed to run two or three cattle on the mountain.

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7394. At

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Colonel KING-HARMAN.

[Continued.]

7394. At a ground rent?

No; I could not tell how long it has been going on. The bolder of such and such a holding has the right to run two or three cattle on—

7395. *Lord Brabourne.*] Did the agitation affect the larger as well as the smaller tenants?

No, I think not. I think the large tenants did not suffer so much. I mean to say they were not so destitute. They were more inclined to pay their rent, and are still.

7396. Had there been any complaint of the rents before the agitation?

No, on the contrary. My estate has always been quoted as the low rented one of the country; and a man would give almost anything to come in under me and my predecessors from other properties.

7397. How do you stand with regard to Griffith's valuation on that property?

The whole rental is slightly under Griffith's valuation. Griffith's valuation is 40,100 *l.* and something, and my rental is just over 40,000 *l.* In some cases it is very considerably over, and in others considerably below, Griffith's valuation. I do not hold Griffith's valuation to be worth anything.

7398. You know that he is taken as the authority?

It happens to be the case that altogether my rental was just about the same as Griffith's valuation.

7399. You do not take it as being anything, but you are aware, are you not, that it is reported to be something in the report of the Commission, so far, that it is stated to be a decided under-estimate?

Yes, decidedly, as a rule it is so, but I know cases where it is over, though those cases are very few.

7400. *Chairman.*] Is there turbarry on this estate?

There is.

7401. Is it dealt with on the same system as on the other estate?

Yes, but that system has only recently been introduced; it has only recently come under my own management.

7402. Have the tenants refused to abide by your arrangements?

No; there were some few instances of attempting to do what they pleased, but I insisted on the law, and have succeeded in enforcing my rights in that matter.

7403. Have you had many originating notices served upon this estate?

No, not many; I have only had 47 upon this property.

7404. *Lord Brabourne.*] This is the Roscommon property, is it not?

Roscommon and Sligo.

7405. *Chairman.*] Have you had many of the cases heard?

I have had five heard; in one case the rent remained as it was; in the others it was reduced 2½ per cent. In those particular cases, where I thought the rent too high, I would have settled out of Court if the tenants could have been induced to make anything like a fair agreement, but they would not do so; they went into Court, and put themselves to expense, and me also; and they were reduced rather less than what I would have given them myself.

7406. *Lord Brabourne.*] Are they satisfied now?

I think that has rather deterred others coming in; on the other hand, on my Longford property, the whole of the tenants are watching the result of the appeals, and if I am upset on the appeals I have not the slightest doubt that every one of the tenants will come in.

7407. *Chairman.*] Of course there has been no appeal on your part in regard to these cases?

No.

7408. Is there any appeal pending on the part of the tenants?

No

7409. Did

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Colonel KING-HARMAN.

[Continued.]

7409. Did you attempt to have an arbitration between yourself and the tenants?

No.

7410. You tried to make an agreement yourself with them, did you not?

Yes.

7411. Of course you are aware that the Court will send down a valuer for the purposes of an arbitration?

I am aware that it is so now, but that was not the case at the time that I went in.

7412. Do you think there would be much advantage gained in having such an arbitration as that?

I think on many properties there might be; but I do not think there would be on a property where there is a really good estate valuator, and where the rents are really fair. Another point with regard to the arbitration is this: unfortunately, we know very well that as a rule the tenants would agree to the arbitration if it went in their favour, and they would not agree if it did not; therefore, I should be rather slow to call in an arbitrator.

7413. Marquess of Salisbury.] Do they not bind themselves beforehand?

They do.

7414. But they do not abide by it?

Unfortunately the contracts are not always held to nowadays.

7415. When you say they would not agree to it, you mean they simply would not pay the rent?

They would not pay the rent.

7416. They could not go into Court afterwards, could they?

No; I mean to say that that would not afford the peaceable solution that it is intended to do.

7417. Have you many arrears of old date on this property, or on either of your particular properties?

No, there is very little of old arrears.

7418. I mean of arrears before 1879?

No; in 1878, on the one property, the arrears were 761 *l*.

7419. Those may have been cancelled; were they long-standing arrears?

No, very short standing. In 1876 the arrears on that property were 116 *l*. I have not got what the amount was in 1876 on the Roscommon property; I should think it would be about 1,200 *l*, probably, in that year.

7420. Have you any tenants who would come under 30 *l* valuation?

I have.

7421. Have you many?

On the Roscommon property the number of tenants paying 30 *l* a year, and under, who are in arrear of rent to November 1881 is 1,223, and the amount due by them is 7,093 *l*. The probable number that would claim relief is 763.

7422. Seven hundred and sixty-three persons?

Yes.

7423. How much money would they claim relief for?

What they would claim would be 7,093 *l*; the amount to be obtained from the Government would be 3,558 *l*, and the loss to me would be 3,535 *l*.

7424. Are they able to pay it, do you imagine?

I think the majority of them would be able to pay.

7425. But of course they could easily prove before the Court that they could not?

With the greatest of ease. I have remitted the arrears of rents to a great many of my tenants during the last three or four years, in cases where they

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really

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[Continued.]

really could not pay, and where I knew them to be industrious people who had been driven to the wall really by bad times; some of them are widows with large families, and so forth. I am not counting the amount so remitted in my arrears at all. That is wiped out. I remitted over 1,000 £. in one year on this very property.

7426. It has not been your habit to hang up bad debts, but to cancel them?

It has not been my habit to allow them to remain until quite lately, and latterly, when other landlords around me were giving abatements, I thought it far better to give employment, and to give assistance with seed, and gifts of cattle and so forth, and such assistance as that; and where I saw, as I say, a struggling man who would have some chance of going ahead if he was free from his debt, I freed him.

7427. Lord Brabourne.] From your knowledge of Ireland, do you think the judicial rents will be better paid than the old rents have been?

I see no reason whatever to suppose so.

7428. Do you think the tenant will be content with the reduced rent, or do you think that there is still an ulterior longing implanted in the minds of Irish tenants which has not yet been satisfied?

I think that the reduction of rent has simply impressed them with the belief, or confirmed them in the belief, that they have been far too highly rented all along, and that in most cases they ought not to pay any rent at all.

7429. Then you do not think that the agitators' trade will be stopped by the concessions which have been made?

Not one whit, but strengthened.

7430. Chairman.] With regard to this Arrears Bill that is likely to come up soon, is there a hanging gale on your estate?

No.

7431. Are there many of those tenants that you named just now who only owe a year's rent?

They owe about a year-and-a-half.

7432. About a year-and-a-half up to November 1881?

Yes, exactly.

7433. And do you consider that that money would be recoverable?

I consider that the major portion of that money would be recoverable.

7434. Do you mean from the tenant himself, or from the sale of his tenant right?

In most cases from the tenant himself, without the sale of his tenancy.

7435. By giving him time to make good a little, year by year; is that what you mean?

In some cases by enforcing payment, where we know perfectly well that they have got the money and the means; and in other cases by giving them time, as we have, of course, had to do before. Of course in a great many cases there is a medium class of tenant, a tenant who has spent his money, unfortunately, on the Roscommon property, that is very much the case. They have been firmly impressed with the belief that they would not have to pay any rent at all, and instead of paying the landlord, or even paying their shop debts in a great many cases, they have laid out the whole of their money on finery for the women and expensive living for the men.

7436. And those people could not possibly pay, you think?

They would be very hard pushed, certainly. I have a table here of arrears on my Longford property. Here and there you will find one or two townlands in which every man is in arrear, and heavily in arrear. You will find other townlands in which there are no arrears at all. Those do not appear in the list, but you will find one or two where the arrears are due to a system of conspiracy on the Longford property. On that particular townland, which I call attention to,

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[Continued.]

to, there is about the very best land I have got, and about the most comfortable tenants, and the best taken care of.

7437. Then I may infer that it is not with reference to the class of land that the arrear increases or diminishes, but that sometimes the best land is most in arrear and the worst land least in arrear?

Frequently it is so.

7438. Marquess of Salisbury.] Supposing there happened to be a system not of compulsory but of voluntary assistance, and you were offered the half of your arrears in cases where you knew the people could not possibly pay, and the money was irrecoverable, should you refuse that offer?

No, I should not. Perhaps I may go into a little explanation as to that. When the Land Bill was going through the House of Commons, Mr. Forster consulted me as to his Arrears Clause before he put it on paper at all, and I told him at the time, after 24 hours' consideration, that I thought it would do neither very much harm nor very much good. One of my reasons for saying that it would have very little effect was, that I thought the time was far too short, and if Mr. Forster's Clause was extended in time now, I believe that it would be largely availed of, and that it would do a great deal of good.

7439. I wanted to ask you, not with respect to assistance by loan, but with respect to assistance by gift, whether, if you were offered, as a gift, half the arrears which are really irrecoverable, you would refuse it?

If I were the only landlord in Ireland I would refuse it, but as it is I can only say I know what I ought to do.

7440. Do you not think, generally, that the feeling of Irish landlords would be to accept half the arrears which they believe to be irrecoverable?

Yes, I think that it is so.

7441. You do not think that there is any class of landlords who would keep on, or retain, this claim, and refuse half of the arrears, merely for the purpose of asserting power over their tenants?

No, I do not think so indeed.

7442. You do not think that that class exists to any large extent?

No, I certainly do not.

7443. Therefore you do not think that it can be a good or a judicious ground for legislation to assume that the existence of such a class is impeding a settlement of the land question?

I do not think such a class exists, as a class.

7444. It is a libel on Irish landlords as a body, you think?
Certainly.

7445. Chairman.] If the Arrears Bill were rendered optional, do you think that a large number of landlords would take advantage of it?

Yes, I think a good many would.

7446. I will put it in this way; do you think that most landlords would take advantage of it, in cases where they thought that there was no chance of payment?

Yes.

7447. And do you think that in cases where they thought there was a good chance of payment, and that they had to deal with a solvent tenant, they would not bring him under the operation of the Bill?

That is rather a difficult question for me to answer.

7448. Lord Brabourne.] Have you been in any of the Sub-Commissioners Courts?

Yes, I have twice.

7449. Have you been impressed with the solemnity and propriety with which the proceedings were conducted?

In each case that I have been in they were fairly conducted.

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7450. You

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[Continued.]

7450. You have nothing to say against them?
I have nothing to say against them on that score.

7451. Marquess of Salisbury.] Have you any idea of the principles on which they decide their cases?
No.

7452. Has anybody that you are acquainted with found out what those principles are?
No.

7453. Lord Brabourne.] Did they take the landlords' evidence, and hear it as fairly as they did that of the tenants?
Yes, certainly; in my case they did.

7454. Chairman.] As to the Purchase Clauses; I believe that the Purchase Clauses under the Act of 1881 have been a failure; is that your view?
I think so, entirely.

7455. Have you had any experience of that matter?
Yes, I have.

7456. Could you state it to the Committee?

Shortly after the Act was passed I put my Queen's County property into the hands of the Commissioners to sell to the tenants; I did not very much think that they would succeed, but wanted to test the Act; and it being a property lying entirely away from my other two properties, and one in which I had no personal interest, I should have been very glad to have disposed of it on tolerably reasonable terms. Mr. Murragh O'Brien gave me an interview upon the subject, and the highest offer that was made by any tenant after Mr. Murragh O'Brien had been down to them, was 12 years' purchase. I saw perfectly well that there was no intention whatever of carrying out the clause at all. It is strong evidence perhaps to give, but it was so perfectly clear to my mind that I cannot help giving it.

7457. Marquess of Salisbury.] You mean that the Government, or the Land Commission, had no intention of carrying it out?

None whatever; when I talked of 20 years' purchase on low-rented property, they laughed at me.

7458. Chairman.] Do you think there is any inducement to the tenant to buy?

No, I think not; I think he is much better off now than he would be if he purchased the property.

7459. I suppose these offers of 10 or 12 years' purchase that were made were not from the property generally, but isolated cases?

That was the best offer that I had; it was from a man holding a considerable farm; he held about 150 acres of prime land close to the town of Rathdowney; in fact it was rather a question whether it was not a town park, it was so advantageously situated. It was extremely low rented, owing to the tenant being the representative of the man who had been the middleman over the entire property. When the property came into my hands I took all the under tenants directly under myself, lowering their rental thereby considerably, though, of course, rather increasing my own; but the land that the middleman himself had in his own hands, and was actually working, I left to himself, and did not raise his rent, so that he had it at a very low rent; and he offered me 10 years' purchase upon that.

7460. My question was with regard to the form in which this offer was made. You wished, as I understand, to sell the whole of the estate?

I went in upon the clause. I forget the exact provision now which enables the Commissioners to purchase an estate and re-sell it to the tenants, making a charge of so much per cent. on the transaction against the landlord; I forget what the amount of it is, and I have not the papers with me. I considered that

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[Continued.]

that was a much more sensible way of going to work than for me to go through the negotiations with every single tenant for the sale of every single holding, and I wanted to see really whether the Commissioners would carry out that part of the Act or not.

7461. Then they offered you 10 years' purchase for this estate?

No, indeed they did not; they would not offer me anything at all.

7462. Marquess of Salisbury.] They talked of 10 years' purchase?

They showed me what the answers from some of the tenants had been, one of those being 10 years' purchase, and they seemed to expect that I was to carry through the transaction, and negotiate with the tenants, and that they were to deduct the 3, or 4, or 5 per cent. They quite repudiated having anything to do with the selling part of the business.

7463. Chairman.] You did not get sufficiently far advanced in your negotiations to know what amount of money the Land Commission would advance?

They would not advance any.

7464. But they would have been bound to advance some, surely, under the purchase clauses, would they not?

They ought to have been bound to do so.

7465. Did they say they would not grant any?

They would not go into the transaction at all; they said that the tenants were offering so little, and that I was asking so much, that there was no use going on with the matter at all. They entirely ignored the fact that I wanted to sell to them.

7466. You did not attempt to make any arrangements with the tenants after that as to the sale, I gather?

No; I told the Land Commissioners that I had nothing to do with the tenants. I rested my case with them, and I offered my estate to them to sell on such terms as they could negotiate with the tenants.

7467. Marquess of Salisbury.] Has there been much change in the price of produce within the last five or six years; has there been a change for the worse?

Oh, no; there has been a change for the better.

7468. There is nothing in the price of any of the produce, ordinarily produced on Irish farms, to justify the lowering of the rents?

In my recollection we never had such prices as we had last year, and we never had such a price for beef as we have at the present moment. I myself sold beef at 84s. a cwt. the other day, and in 1878 I could only get 66s. a cwt. for the same quality of beef.

7469. The prosperity of Irish farmers does not depend much upon the price of wheat, does it?

No, not at all. I may mention, with regard to the purchase clauses, that a neighbour of mine, the O'Connor Don, tried to sell a little holding which is interlocked with mine, and he was entirely stopped by the question of quit rents. He could have got 17 years' purchase from his tenants, and the Crown asked 29 years' purchase for the quit rents.

7470. Chairman.] What effect do you think recent legislation has had upon the state of the country?

I think it has demoralised it completely; the whole face of the country is changed; the people are entirely changed in every way.

7471. Is that owing to the agitation, or to the legislation?

To the successful agitation.

7472. Successful in having produced legislation?

Successful in having produced legislation.

7473. Has the Arrears Bill had a bad effect do you think?

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A most

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[Continued.]

A most startling effect over the whole of Ireland; I may say that rents were beginning to be paid readily, and almost cheerfully, and the moment that the Arrears Bill was hinted at, a stop came all over Ireland, and, practically, no rents have been paid since.

7474. You gave us to understand that you had had a reduction in the cases heard upon one property of 21 per cent., and a reduction upon the other property, in the cases that were heard of 29 per cent., as I understand you?

Yes.

7475. Assuming this class of reduction to go on over the whole of your estates, may I ask, would it be inconvenient as regards your charges?

I consider that if matters go on as they are doing now, I shall have lost half a million of money. I put it in this way: a property of 40,000*l.* a year, very low rented, with a good class of tenants, was certainly well worth 25 years' purchase all round, putting it at a moderate rate; I am knocked down 25 per cent. on my rent, and I think you, Lord Waterford, know very well what the effect of the sale of land in Ireland is now; we have come down to 14 or 15 years' purchase, and I think I may safely say that more than a quarter of my rental being knocked down, more than half of my selling value is taken off; it takes off half the value of the property. As a matter of course, that puts one's charges into rather an unfortunate position.

7476. I suppose that during these years that the rent has not been paid, you have found it difficult to meet the outgoings of the estate?

Very difficult.

7477. And the Arrears Bill will not materially assist you, as I understood, from the evidence that you gave before?

As I explained to you, on the Roscommon property the tenants under 30*l.* valuation owe me about 7,500 *l.*, and I should lose rather more than half of that, but I should on the other hand get 3,500 *l.* into my pocket, which at the present moment would be very pleasant.

7478. Earl of Pembroke and Montgomery.] Does that 3,500*l.* include the money which the tenants would have to pay down?

Yes.

7479. The money to which the tenants would have to pay down in order to enable you to receive the Government advance?

Yes.

7480. Do you think it will stop the payment of rent in the future?

Certainly; I cannot see why a man should pay rent for the future, if the effect of his getting into arrear is to be a matter of profit to him.

7481. Therefore you will only be receiving this sum of money down now, with the probability of receiving nothing in the future?

Certainly.

7482. Are you aware of the position of other and smaller landlords than yourself, in Ireland, with regard to their charges?

Yes, very well aware.

7483. What effect do you think the Act of 1881 will have upon them?

I think it would be the ruin of hundreds, in fact, I know it.

7484. Do you mean they will have no margin left?

They will have no margin left. I know one case of a gentleman in a very good position indeed, whose margin unfortunately was only 13½ per cent., and his reductions have been 23 per cent.?

7485. Have the whole of his tenants gone into Court, or only a few?

The majority are in, but only a certain number have been reduced at present. I was talking to him the other day, and he said he saw no reason whatever to suppose that the reduction would not be the same on those yet to come in as on those who had come in.

7486. Then

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7486. Then you think that a very large number of landlords will be swept off the face of the earth by the action of the Act of 1881?

I do.

7487. Without any compensation whatever?

Without any compensation whatever.

7488. Now as regards the appeals, I believe the Chief Commissioners have been hearing appeals lately, with two of their number?

Yes.

7489. I understood it has now been directed that one of the two who compose the Court should be a legal Commissioner, and the other a lay Commissioner?

It has, but it will not necessarily be so. I have a case in point, for example, with reference to those nine cases I mentioned in the county Longford; I discovered two or three days ago that Mr. Vernon, whom we may call the Civil Commissioner, is trustee of a very small mortgage upon that property. As such I am informed that he will be precluded from sitting to hear the appeal, unless I can get the consent of the tenants' solicitor, that he shall sit; and in that case I have very little doubt that the appeals will go against me. Not that I wish to question the *bona fides* of the two legal Commissioners, but it is a mere question of the value of land, and Mr. Vernon is the only one of those three Commissioners who knows anything at all about that; and I shall certainly have no confidence in the Commission if Mr. Vernon is not on it.

7490. Marquess of Salisbury.] Ought not Mr. Vernon to change his trust?

I am just trying to get that done, as it happens, but it was only by accident that I discovered that.

7491. Surely it is a matter of public duty on his part, as he is one of three persons to whom this duty is assigned, to do that which will enable him to perform all the duty that is brought before him?

I should conceive so, but he had not done it, and had stated that he would not be able to sit.

7492. Earl of Pembroke and Montgomery.] But as to matter of value, surely the chief Commissioners are guided by the report of their own valuers that they send down; neither Mr. Vernon nor the other Commissioners visit the holdings themselves, do they?

I do not think they are guided at all by the report of their valuation.

7493. Is that so?

I think that wherever their valuation goes below the rent fixed by the Sub-Commissioners, they are invariably guided by him, though if he goes anywhere above the judicial rent, I do not think they are guided by him; certainly they have not been so where the judicial Commissioners have been sitting alone.

7494. Lord Brasenorne.] I have had information of a good many instances sent to me in which that is alleged to have been the case, namely, that where the valuator has placed the rent above the judicial rent, the Commissioners have not attended to his recommendation; is that your experience?

Yes, certainly; undoubtedly so.

7495. Chairman.] You consider that it would be a farce for the two legal Commissioners to attempt to go into the question of the value of land?

I do.

7496. But I believe they have been doing so, have they not?

Yes, they have been doing so; and the consequence has been a great failure of justice.

7497. Lord Brasenorne.] They would call people before them, I suppose, who were competent to give evidence upon the value of land, and themselves judge as to the value of that evidence?

Yes; but I think, not being accustomed to deal with land, they are not in a position to sift the evidence when it comes before them, as to the value of the land.

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7498. Is

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[Continued.]

7498. Is there any absolute value in land, is it not really a relative value; that is to say, depending upon the competition of those who desire to have it, and when you have removed that element, where do you find the value?

I think in order to find the absolute value, to a certain extent, you must find what produce it is capable of producing; what the value of the produce is in that neighbourhood, having regard to all the means of transport, convenience of market towns, and so forth.

7499. But even then, is it not a matter of fact that land is of different value to one person to that which it is to another; may not that arise from the position of a person, for instance?

Certainly.

7500. One man may have a farm close by which renders the particular holding of greater value to him than to anybody else?

Certainly.

7501. Many examples of that kind may be quoted, and does not that show that it is impossible to fix the absolute value of land without taking into consideration these things?

Certainly; previous to the Act of 1881 we considered that.

7502. Then is it not a fact that when you have taken away the element of competition you leave it open to a sea of doubt, and controversy, and uncertainty?

Yes, certainly.

7503. Marquess of Salisbury.] When you have ascertained what the value of the produce of the land is, in what proportion would you, in the absence of competition, divide it between the landlord and tenant?

It is only a matter of opinion, but I think the landlord should have a third.

7504. Lord Brasenourne.] Another person might think that he should have half, and another a fourth, might they not?

They might.

7505. It becomes just a question of the individual opinion of the person who has to judge what a fair rent should be, does it not?

Quite so.

7506. With nothing to guide him, and no principle laid down for his guidance?

Quite so.

7507. Then it is not very surprising that the decisions are rather inconsistent one with the other, under those circumstances?

It is not very surprising.

7508. Chairman.] As to emigration, I think you stated that a good many of those were small tenants upon the last property that we have been dealing with?

Yes.

7509. Is it possible for them to live upon their holdings in ordinary years, and pay the rents that they have got to pay?

I think that generally mine can do so, but I think that mine are in far better case than those on many properties around.

7510. Do yours come over to England for employment?

Yes, some of them do.

7511. And do not they pay their rent very often out of their earnings in England?

Yes, they do.

7512. Could they live without those earnings?

I think the majority of them could if they worked half as hard at home as they do when they are in England. The fact is they make their money in England, and do nothing at home.

7513. Would the properties around you be benefited by emigration?

Yes, very much indeed. I have had a great deal to do with emigration during the distress times. I was managing the New York Herald Relief Fund;

I was

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I was on the committee, and I may say that for the last three months I was managing it entirely myself, with the assistance of a secretary. We devoted a considerable sum of money to emigration, and went very closely into the matter. Our endeavours were as far as possible to emigrate whole families, but we found great difficulty in that, and we then selected cases as far as we could where the sending out of the young people would be likely to be followed by their sending for their families.

7514. Were you successful in your endeavours in the whole system you adopted?

Yes, I think, fairly so. There was immense competition for assistance; we could have emigrated twenty times the number of people that we did if we had had the means to go on. I may say that one very curious incident occurred in that way. At the time that Father Nugent emigrated a number of families from Connemara he was violently attacked in many what are called national papers, and also very freely denounced by the leaders of the people in the country. At the very time he was being so abused we had a letter from a parish priest who had been foremost in denouncing him, begging us to send him the means to emigrate 300 families from his part of Connemara.

7515. Duke of Sowerby.] Are those persons that you emigrated persons who held land or who had small farms, or were they labourers?

They were small cottiers chiefly.

7516. What became of the land when they went away; was it joined to other farms, or what was done with it?

In the parts of the country that I know they generally sold the goodwill for some few shillings, or a few pounds, to a near neighbour. I cannot speak from my own knowledge of what they did in Connemara; that is too far from me; I do not know it.

7517. Chairman.] Did you make any arrangements for the reception of the emigrants when they landed in America?

As far as we could we did. I did my best to induce as many as possible to go to Canada, because I was able to make arrangements in Canada to have them met. I found it impossible, from my limited knowledge, to make any efficient arrangements to have them met in New York or any of the United States ports, but in Canada I was able to find responsible people who were able to receive them, and who did receive them, as a matter of fact, and we heard very good accounts from those that I was connected with afterwards.

7518. Then do you think that if the scheme for State emigration which is embodied in the Act of 1881 was properly worked there would be any hope of emigrating large numbers from the distressed districts?

I think immense numbers would emigrate, and I think that it is the only panacea for the present terrible state of the west of Ireland, but I do not think the sum set aside by the Act of 1881 would be of the slightest use.

7519. Of course I refer to enlarging that sum. I merely draw attention to the lines on which the Act is intended to be worked, without specifying any sum of money?

If the means are there, my belief is that almost any number of people will be found anxious and willing to emigrate for the benefit of themselves and to the benefit of the country.

7520. And you would possibly have to deal with the difficulty you had to deal with yourself, namely, that of getting whole families to go?

I think in some cases, or in a good many cases, it would not be so difficult to get the whole family to go, now that they can sell the interest in the farm. At the same time there is a different state of emigration going on now from that which used to exist. I can remember in the old days, the days of the famine, and shortly afterwards, when girls were sent out they used invariably one by one to bring out the rest of the family, at least as a rule that used to be the case, and the young men going out, went out intending to make a home for themselves and for their people after them, if they could. Now-a-days the girls go out, and they generally send money home for two or three years; but they

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[Continued.]

do not send it as continuously as they used to do, and they do not bring out their families in the way they used to do. The young men, especially in Connaught, go out very much with the view of making money in America and coming back again. They leave one of the oldest and most feeble members of the family behind to, what they call, "hold the roof-tree." In this case you would find it impossible to get the whole family out. On the other hand, I think, you would find a great many cases where the family would be willing to sell, in order to have a bulk sum of money and go away with it.

7521. I will ask you one more question with regard to your position with your tenants; before this agitation began, I believe, you were on very good terms with your tenants?

I do not think there is a man who was on better terms with his tenants.

7522. May I ask you on what sort of terms you are with them now?

I do not think there is a man on worse terms with them.

7523. Is that owing to your having taken proceedings against them, or merely owing to a feeling that exists against all owners of property in the country?

It is owing to the feeling that exists against all owners of property in the country, and to the fact that I have never given in to the agitation in any one way. I did not give wholesale abatements. I took what I believed to be a proper line, and I have always tried to uphold the law, and do what I believed to be my duty.

7524. Do you think that those who have given in to the agitation, and given unreasonable abatements, have gained popularity by doing so?

They may have gained temporary popularity, but it would not be lasting, and in many cases, I believe, they are worse off than I am.

7525. Do you not think that in many instances they are more unpopular than those who have stood firm?

Yes, I think so now.

The Witness is directed to withdraw.

MR. VERE FOSTER, is called in; and Examined, as follows:

7526. *Chairman.* I THINK you have had a good deal of experience about emigration, have you not?

I have for over 30 years.

7527. Will you state to the Committee how you gained that experience?

I will, and I will take the liberty of giving a copy of this document, which will explain what I shall say myself, to each member of the Committee who desires it. (*The document is handed in, vide Appendix.*) About 32 years ago, after the famine, I came to reside in Ireland, having been in the diplomatic service, I very soon became interested in emigration as a means of relieving poverty and improving the condition of the people, and I sent a good many young men and young women out from the counties of Clare and Louth, including inmates of various unions.

7528. May I ask you how you found the funds to do that?

I did it out of my own funds.

7529. You did it yourself?

I did. I should add that within the last few months I have received the following subscriptions, in addition to 100 l. entrusted to me by the Duchess of Marlborough out of the balance of her Relief Fund: The Right Hon. W. E. Forster, M.P., 100 l.; Charles Wilson, Esq., Cheltenham, 100 l.; Joshua Dixon, Esq., Tarporley, 100 l.; J. H. Tuke, Esq., 100 l.; Mr. Tuke's Committee, 100 l.; Bolton King, Esq., London, 25 l.; smaller sums, 25 l. All these subscriptions were entirely unsolicited, except that from Mr. Tuke's Committee. I paid their entire expenses. I asked them to write to me and inform me of their success. After waiting some months and receiving no answers, I determined to go to America. I went as a steerage passenger in the largest emigrant ship then in existence, and travelled through nearly every State of America, and

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[Continued.]

and I repeated that several times afterwards. My journal of the voyage (*handed in*) was printed by Order of the House of Commons, dated 19th February 1831. I visited in their new homes as many as I could find of the emigrants whom I had sent, *i.e.*, over a thousand. I wrote this little pamphlet (*handed in*) for the guidance of emigrants. I afterwards went to America many times, sometimes twice a year, visiting the merchants and clergy in every small town and large village, and receiving offers, voluntarily from many families to look after any persons whom I should direct to them. Amongst these was the family of the late President Lincoln. I sent a girl to his house; I emigrated parties from Ireland, sending them in sailing vessels, and going myself in a steamer ahead of them, receiving them myself in New York, and taking them up the country to the places where the clergy or other persons had offered to look after them. Then came the commercial crisis in America, and then the Civil War, and I gave up any further operations on the subject until 1880, when the normal state of distress became intensified in the West of Ireland. Then I took it up again; I endeavoured to enlist the sympathies of Mr. Parnell (*copy of letter handed in*), but he did not approve of assisted emigration, so I carried it on myself, though on a limited scale. Instead of paying the whole of their expense across the Atlantic and up the country to their destinations, I paid a portion. I sent circulars round to the teachers of national schools, and to the Catholic Clergy throughout the West of Ireland from Donegal to Kerry, informing them of my intention to give a little money (2*l.* each) towards the assisted passage of girls only, for I had to limit my operations as to sex, and as to age, and as to locality, from the want of funds of course. The consequence has been that I have received applications from the clergy of nearly every parish in the West of Ireland, from the diocese of Galway, from every parish priest, and every curate except one (who has not opposed it, but who has taken no part in it); from the diocese of Killala every priest and every curate; from the diocese of Achonry the same; from the diocese of Elphin the same; from the large diocese of Tuam the same, every parish priest and curate except two or three; from Kilmore, Ardagh, and Raphoe the same; Clonfert is not quite so unanimous, but three-fourths of the clergy (the bishop was against it) applied to me, and I have received 24,000 applications altogether.

7530. Marquess of Salisbury.] Are you a Roman Catholic?

No; I have received 24,000 applications. Now it should be borne in mind that I write no letters to the newspapers, that I do not advertise, that I do not attend public meetings, and that I do not leave home.

7531. Twenty-four thousand applications, that is to say, applications for 24,000 persons?

Applications for 24,000 persons.

7532. *Chairman.*] Your offer was to pay 2*l.* towards the assisted passage? £. 2 towards the assisted passage.

7533. And you had nothing further to do with the emigrants after they landed?

Nothing.

7534. Marquess of Salisbury.] What was the sum total that you used to pay?

About 8*l.*

7535. So that you offer about a quarter now?

I offer about a quarter now, but I may say that latterly, this year and a portion of last year, I have paid only 1*l.*, but I have got value for 2*l.* 10*s.* or 3*l.*, by arrangement with all the steamship companies. It is exclusively girls that I send. I am obliged thus to limit my aid from want of funds to do more. Their ages must be over 18 and under 30. The applications, as I say, are 24,000, and the average age of the persons who have applied to me is 20½ years, so that they are very close from 18 to 22. I allow them to go by any line of ships they prefer, from any port to any port that they prefer, and at any time of the year that they prefer, which enables them to select ships in which they have friends or neighbours going.

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7536. Do they go alone or under any kind of supervision?

They go under no supervision. As I say, I allow them to choose their own time and their own company.

7537. Do not the clergy stipulate for any supervision?

They do not, but the emigrants go almost always with families they know, or neighbours. To enable them to do that, is the reason why I give them their option to go by any ship, from any port to any port, and at any time of the year.

7538. If it has been said that the clergy are opposed to emigration, that does not accord with your experience?

It does not accord with my experience. There has been only one single case in which such a thing happened, and that was very soon altered. A young curate spoke at a public meeting very strongly denouncing me; in a short time I had applications from some young girls of his parish. I said to them "all applications must be supported by the clergy of the applicant; you will oblige me very much if you will get your applications signed by so and so." In the course of a few days the applications came back with the required signature, and he has on the average sent one application every week since, and that is for the last two years. That is the only opposition I have had.

7539. *Chairman.*] May I ask you how many people you were able to send out of the 24,000?

I actually sent 13,000, and there will be 2,000 more now in course of going. The rest of them endeavoured to find the funds, but after many attempts gave it up as hopeless.

7540. During how long a period have you done this?

In three seasons 13,000 have gone, and about 2,000 are sure to go, or are gone probably; the accounts are coming in to me every day.

7541. May I ask if the 8*l.* which you used to pay on your former scheme included the journey up country?

The 8*l.* did include the journey up the country; a great many stopped in New York, but as many as possible, I took as far as I could into Wisconsin and Illinois. May I bring under your Lordships' notice an extract from a very short letter (which appears on the 7th page of the document I have handed in) with regard to the feeling of the clergy?

7542. Will you read it?

I will. It is from the parish priest of Carna. "My dear Sir" (it is the end of the letter), "but I say with all the energy of my existence, let the people leave in any and in every way that may take them out of the slough of poverty and misery in which they are at present sunk." And here is a letter I got a week or two ago from the parish priest of Achill Island. He recommends a girl, and says, "She is the first I have asked any assistance for this year, though there are hundreds here who would be off willingly to-morrow morning if they could only get someone to enable them to emigrate. The people all are so very poor that it is only one in a thousand who is able to provide any of the passage money. A few are emigrating, but I have not known one to leave this parish this year except on cards received from America. I could from my soul wish that something was done for this most wretched place. There is scarcely any use in saying it, but it is unfortunately most true that since 1847 there was not such want or destitution felt in this parish."

7543. *Marquess of Salisbury.*] How long ago is that?

May 2nd of this year is the date of the letter.

7544. I see you have got a number of counties that you name where the clergy help you; have you at all classified the places from which your applicants come?

I have. There are about 7,000 from Mayo, 4,500 from Galway, 3,000 from Leitrim, and the same from Roscommon, 2,500 from Sligo, 2,000 from Donegal, about 1,200 from Kerry, and about 700 from Clare.

7545. I suppose

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7545. I suppose all these people are in a state of very great destitution?
 They are mostly servant girls. I have had 1,900 applications from Connemara, and the applicants are nearly all gone; over 400 of them came from the parish of Clifden alone, and 360 from the parish of Ross in Connemara.

7546. I suppose, when you say servant girls, you do not mean that they are in receipt of any considerable wages?

Very little indeed, servant girls in the employ of small farmers or sometimes of large farmers.

7547. And belonging to families who are themselves in a state of destitution?
 I require them to be vouched to be very poor, of good character, anxious to go, and unable to pay fully their passage; and that has to be signed by their own clergyman in every case. Here is a form that is required to be signed: "List of girls over 18 and under 30 years of age recommended as needing assistance to enable them to emigrate to America. Passages not prepaid and not able to emigrate without assistance from Mr. Foster;" then there is a space for the entry of name, age, townland, and parish. "I certify that the above particulars are correct." That form has to be signed by the "parish priest, rector, or curate." Then I also furnish another form; "assisted emigration I agree and promise to pay two pounds towards the cost of passage of the bearer," so and so; "this amount to be paid on demand, direct to the steamship company in whose vessel she shall have embarked, on receipt of their certificate of her embarkation for America within three months from this date."

7548. Each of those 24,000 represents probably other persons in a state of destitution?

No doubt; I should say that I pay no money to anyone except to the shipping company after the emigrants have embarked. (*The documents are handed in, vide Appendix.*)

7549. *Chairman.* In your previous journeys in America, did you find the people you had emigrated in good situations?

I did.

7550. You were quite satisfied with the result?

I was very well satisfied.

7551. In those cases did you emigrate whole families?

No, I did not. That involves great responsibility, and difficulty, and cost.

7552. Did you emigrate men as well as women?

I did.

7553. Now you have taken to only emigrating girls?

Yes.

7554. Is that in consequence of your thinking that it is the best form in which to apply your charity?

The girls earn the least; they are the least able to take themselves out, and they are usually the most generous in assisting the other members of their families after they have got out.

7555. Do you not think it would be a great thing if possible to emigrate whole families?

Yes, but the difficulties are very great both as to cost and responsibility to do it on any very large scale.

7556. I am not now alluding to your own exertions. Of course nobody could expect you to go to such an enormous expense, but I am talking about State aided emigration; do you not think it would be a great thing if the State were able to emigrate whole families?

It would be a very good thing, but the difficulty of providing for the people would I think render the work impracticable on any large scale.

7557. Then I understand from that that you think it would be impossible to emigrate the older people?

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[Continued.]

It is comparatively very easy to assist individuals; young men or young women, and the excessive emigration of these will find its own level; as soon as they have employment enough at home they will not go I think. I was saying the difficulties are so much less in emigrating single individuals; every Irish peasant almost has friends or relations in America; they go to them in the first instance, and are received by them for a week or a fortnight until they can settle down in a place; but suppose it to be families that emigrate, that means six or seven instead of one, and it means also being kept by another labouring man's family for six months perhaps instead of a few days.

7558. You are not afraid then of the effect upon Ireland of sending the bone and sinew out of the country and keeping the old and useless behind?

I think that there is sufficient affection as a rule amongst the people for the bread-winners of the family not to go, and that the influence of the clergy would be brought to bear to induce them not to do so, and that the thing would find its own level, and that when they have employment enough at home they will not go.

7559. But has it not been the case in the past that the able-bodied men and women have left the country, and left in a great many instances their fathers and mothers behind, unable to provide for themselves?

In some instances they will do so, but I do not think as a rule that they would do such a thing.

7560. You have not found that the case with the people you have assisted?

The girls I have assisted have very frequently brought out their whole families after them.

7561. And in the previous assistance, you gave to the men and women alike? I did.

7562. Did they bring out their families?

A very great number of them have done so.

7563. Therefore you think that your system is the best system, that it does not require the same responsibility in sending a pioneer of a family into the country in the hope that that pioneer may bring the rest; is that your view?

I think that young persons are the only fit persons to emigrate, unless such as have capital, or are sure of being provided for on the other side of the Atlantic; but I do not see how the Government is to provide in another country for the reception of whole families.

7564. Marquess of Salisbury.] That could be done in Canada possibly, could it not?

To a certain extent it could be done in Canada, but there is a great indisposition on the part of the people to go to Canada.

7565. On account of their dislike to the British Government, do you mean?

Partly so; but the chief reason is that nearly everybody has relations in the United States, and comparatively few have relations in Canada, and they go to their own relations. Canada, no doubt, is a most prosperous country.

7566. Earl of Pembroke and Montgomery.] I understand that you do not look upon these girls in the light of bread-winners at all as long as they are in Ireland, and therefore you would look upon them as the best class of people to emigrate?

They apply to me urgently for help to emigrate, and their clergy apply urgently on their behalf, and they go to better themselves, and to assist their parents and relatives at home.

7567. But they can hardly be looked upon as the bread-winners of the family as long as they are in Ireland, can they?

Oh, no.

7568. In emigrating those girls you are not taking away the bread-winners of the family?

No.

7569. Therefore

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[Continued.]

7569. Therefore you think they are the best class of people as I understand to emigrate?

I would emigrate both men and young women if I could; but I give the preference to the girls, because they are the least able to get themselves out, and because, as I say, they are generally the most liberal in sending home help to bring out their brothers and sisters and parents, if they wish to go.

7570. *Chairman.*] I should like to ask you whether you carry on the system of emigration for the purpose of benefiting the people you emigrate, or for the purpose of benefiting the country generally.

For both purposes. I look upon it that those who go, go to better themselves, and that their going renders it easier for the others that they leave behind them to get a living.

7571. If the bone and sinew of the country go it does not make it easier for the people left behind to get a living, does it?

That will find its own level. They will not go as soon as there is employment enough for them in Ireland.

7572. You think that in a Government scheme for emigration the Government should make some arrangement about the reception of the emigrants on the other side?

No, I do not see how they can do it in another country.

7573. In Canada they could, could they not?

Yes, in Canada they could.

7574. Do you think they could not in America?

I do not see how they could.

7575. Could not they have an agency in America and send the emigrants to the agency, and the agent be bound to make arrangements (as you did) for the reception of the emigrants?

I apprehend that that would have to be done by the Government of the United States.

7576. *Lord Brasenorne.*] Or with the permission of the Government of the United States, the English Government could carry on such an agency, could it not?

I hope so, but I doubt it.

7577. *Chairman.*] Do you think that the anxiety for emigration has increased or diminished since the agitation?

It is hard to say. I think it is about the same. The desire is the same. The co-operation of the clergy has decidedly continued to increase during the past three years.

7578. During the three years of the agitation?

During the three years of the agitation which has prevailed, at the same time that I have been carrying on my operations in those three seasons.

7579. You are dealing, I suppose, entirely with the West of Ireland?

Entirely with the West of Ireland, from Donegal to Kerry; the whole of Connaught and the counties of Donegal, Clare, and Kerry.

7580. You would not propose emigration from the other parts of Ireland?

I doubt whether the funds would be found, otherwise it would be desirable.

7581. But you do not consider that the rest of Ireland is in the same stagnate state as the West, do you?

No, not nearly so much so. I do not see how the poor people in the West of Ireland could get sufficient food for themselves and families even if they paid no rent at all.

7582. Do you mean that they would not be able to live without coming over to England and gaining a livelihood by English labour?

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[Continued.]

That has been the great means of supporting them and enabling them to pay their rent; that is to say, coming over to England, and going back again for their own harvest, which has been a very common practice for the people of Mayo and Galway.

7583. Have you studied the clause of the Act of 1881 relating to emigration?

I did read it, but I did not think it was practicable, and it has been found that that is so, and there has not been a single application, I understand, for assistance under it.

7584. Do you think it would be advantageous for the State to amend that clause and make it workable?

I think it would be advantageous to give the money (say 3 *l.*) towards the passage of each adult, with, say an extra 1 *l.*, to be paid to them at the port of embarkation for other expenses.

7585. You think that would be largely taken advantage of?

I say 3 *l.*, because there has been some suggestion that half the passage should be paid, but the half varies very much. The full fare by nearly every steamship company to the United States is six guineas. The fare to Canada for persons going to settle in Canada is 3 *l.* only instead of six guineas. It is said that the Government of Canada give further assistance to the extent of 1 *l.*, which brings it up to 4 *l.*, though I believe myself that that assistance is a myth.

7586. Marquess of Salisbury.] What does the cheapness result from, or what is this relative cheapness caused by?

The difference in the competition; but the cost of passage to Canada is very uncertain for the emigrants; they are told that the fare to Canada is 3 *l.* (that being an assisted passage), the Government of Canada giving another 1 *l.*, bringing it up to 4 *l.*, but if they go to Quebec, with a desire to go to the United States, the fare is not 3 *l.*, but 6 *l.* 6 *s.*. I say if the Government were to give half the fare, as I have seen proposed (authoritatively, I believe) in a clause supplementary to the Land Act, the sum would vary; it would be 3 *l.* 3 *s.* to the United States, and 1 *l.* 10 *s.* to Canada; then the fares are liable to vary; there may be a break up of what is called the Conference of the Steamship Companies; those companies have been, for the last three years, I understand, charging only 3 *l.* to German passengers going from Liverpool to the United States, whereas the fare for English or Irish passengers has during that time been 6 *l.* 6 *s.*. There is great competition in Hamburgh and other German ports, and in order to meet that competition all our Liverpool and Glasgow, companies reduce their fare to 3 *l.*

7587. Do you imagine that to be remunerative?

As they do it by the hundred thousand I suppose it must be a little remunerative.

7588. It is surprising that if it should be remunerative the competition has not already by this time reduced the English fare to the same level, is it not?

Well, there is a ring; there is a sort of trades union amongst all the steamship companies to keep up the prices. Before that trades union was established the fare used to rise at some times of the year to 8 *l.* 8 *s.* or more, and fall at other times of the year to 3 *l.*. I have sent passengers to New Orleans, at a time when the passage took 90 days, for 2 *l.* 5 *s.*

7589. Did it rise suddenly on the formation of this ring or conference?

They entered into an agreement to charge universally, at all times of the year, by all lines, 6 *l.* 6 *s.*, and they have kept that up for many years now.

7590. Is this done by the companies which are at the same time charging, from Hamburgh to New York, 3 *l.* 3 *s.*?

Not from Hamburgh to New York; they come from Hamburgh, and pay from Hamburgh to Liverpool, and then they charge them 3 *l.* from Liverpool to New York.

7591. So that at Liverpool the German is charged 3 *l.* and the Englishman 6 *l.* 6 *s.*

Yes; at some times of the year they break through that a little; this year, I think,

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think, they have broken through it, and charged them a little more; that would be in the thick of the season, which is in March, April, and May.

7592. Has it not been found practicable to make any ring with the Germans? The English companies want to compete with the Germans.

7593. They have not found it their interest to coalesce with the German companies, because the same operation might obviously be repeated upon the German emigrants?

I do not know as to that.

7594. You do not know why that is?

I do not know why it is.

7595. Earl of *Pembroke and Montgomery*.] Do you suppose it to be the fact that the German emigrants are so poor that it would put a stop to the emigration if they raised the fare?

I think they are very much better off than the people who go from Ireland. It is simply a matter of competition.

7596. Lord *Bradbourne*.] Might it not be brought about by some agreement between the German companies and the English?

I think not.

7597. A German arrives at Liverpool, and there can be no inducement to an English company to take him cheaper than any other passenger, unless there is some agreement between the company taking him and the company that has brought him there, can there?

Supposing the fare from Hamburg to New York is 6*l.* 6*s.*, then the English companies say, we will take you for 6*l.* 6*s.* Half of that is for the fare to Liverpool and the other half from Liverpool to New York.

7598. Marquess of *Salisbury*.] They take them *via* Liverpool?

They take them *via* Liverpool.

7599. Duke of *Somerset*.] Did you send your emigrants chiefly to New York?

I let them go wherever they please, but, as a matter of fact, they go almost always to New York.

7600. Generally speaking they went to New York, did they?

Generally speaking they went to New York, but a very considerable number went from Galway to Boston, because a line of steamers has through these two summers been calling at Galway.

7601. Did they find employment more readily in the United States than in Canada?

They have their friends and relations there, and that is the reason why they go there.

7602. Marquess of *Salisbury*.] I see that one of the gentlemen whose letters you append, Mr. Wynne, of Killarney, did send some out to Canada?

He did.

7603. He mentions that they were very much pleased with the country, found remunerative employment, and that he has had no reason to regret his choice of that destination?

That is the Rector of Killarney.

7604. Yes, he is the Protestant clergyman, is he not?

Yes.

7605. Do you think that the Roman Catholic clergy give their weight to the United States rather than to Canada?

I have not found that they have expressed themselves more for the one than for the other; but the applicants themselves wish rather to go to the United States because their friends and relations are there.

7606. They generally have some relation to whom they are going?

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I think almost always. I do not think their friends would let them go, and I do not think the clergy would let them go, if it was not so. If I paid the whole fare I would feel responsible to provide for them, but as I only pay a portion of it I do not.

7607. Do you know at all what becomes of the girls you send; do you know whether they marry farmers in the United States?

I think they marry their own country people.

7608. Who are not generally farmers?

Who are not generally farmers in America, although they have been so in Ireland.

7609. *Chairman.*] They generally are labourers in America, I believe; Irish people as a rule do not farm land there?

They do not, as a rule, go on the land there, although they have been, as a rule, on land here; they go greatly into the States, for social reasons, in order to be near their own friends.

7610. *Marquess of Salisbury.*] Have you seen much yourself of the population from whom these emigrants are drawn?

I have, though I have not been able to travel about the country these three years. Having received such an immense number of letters, I cannot leave home, and I do not go amongst them at all, but I may say that how I came to have such a large correspondence, and to be applied to (although I do not travel, although I do not advertise, although I do not write letters to newspapers, and although I never attend any public meetings), is because for the last 30 or 32 years I have been very much interested in schools. I have had correspondents, I may say, with all the managers of the national schools in Ireland, and with all the teachers for many years, with regard to the improvement of school buildings, and other matters connected with schools. That is how I was known to them all, and therefore when I sent my circular round to the clergy and to the teachers, I found immediate co-operation.

7611. Do you take these girls to be generally the children of small farmers?

They are generally the children of small farmers, or of cottiers.

7612. Do you know at all whether the families of those cottiers are generally large?

Very frequently.

7613. And their rate of living is very poor indeed, I suppose?

Very much so, extremely poor.

7614. Do they ever eat meat?

Not much.

7615. Do they live mainly on potatoes?

I think so, and on strabout.

7616. And they are drawn to emigration to America by the knowledge that their friends are there?

Yes.

7617. Have you had any applications from Irishmen living in England?

No, because it is very well known that I only take them from the West of Ireland, Connaught, Donegal, Clare, and Kerry.

7618. Do you ship them all at Cork?

I take no part in that. They select their own port; I adopt that course as being far more comfortable for them; the applications are made to me in ones and twos.

7619. Have you ever had anything to do with a system by which they should repay any portion of that cost?

I have not. I think it useless to put them under that burden.

7620. You do not know of any such system having succeeded?

No, I have no personal experience of such a system. I thought it would be putting

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putting a burden upon them, and that it would be better to give it them as a free gift.

7621. Do you encourage them to correspond with you when they are out there?

No, they do not correspond with me.

7622. Do they correspond with their clergymen?

They are not in the habit of writing letters, but they do correspond with their clergy. I have been carrying on this particular plan for about two years and a-half or three seasons already. I have written to the clergy of those parishes from which the greater number have gone, and asked them to have the goodness to tell me what accounts had come from them, and these were the letters I got in reply, and these are all the letters I got; there have been no letters of a contrary description.

7623. Do you imagine, if there was a large fund available for emigration, that the applications would rise to it easily?

I think so.

7624. Do you think there is a very considerable number besides the 24,000 you are acquainted with who desire to emigrate?

Immense numbers.

7625. And that, I suppose, of all ages and both sexes?

Yes.

7626. Some persons have indulged the hope that when the power of selling the interest in a farm is given, the tenant would make use of that power by raising money to enable him to emigrate; has any confirmation of that anticipation come within your experience?

I have had no correspondence bearing on that subject.

7627. You have never emigrated married women, I suppose?

In a few cases I have done so, but almost always the emigrants have been single girls or young men.

7628. You have emigrated some young men?

Not lately, but a great many years ago I did.

7629. Lord Carysfort.] Was that objected to by the priests?

Not at all.

7630. Marquess of Salisbury.] Have the leaders of the land movement thrown any obstacles in your way?

None.

7631. You are not conscious of any opposition on their part?

I have met with no instance of opposition on their part.

7632. Therefore you are able to say that the idea of emigration is not one that is looked upon by the Irish peasant, or those whom the Irish peasant trusts, with aversion?

I think, perhaps, the shopkeepers and employers of labour are against it.

7633. But not the peasant himself?

Not the poor people who require to be helped, and not the clergy, if it is set about judiciously.

7634. They merely look upon the question as one of spiritual interest, and so long as there is a possibility of the spiritual interests of the applicants being looked after they offer no opposition?

They sympathise thoroughly with the poor creatures, and desire to help the poor people in their parishes; and my correspondence being all private is much more honest than it otherwise would be. I can have greater satisfaction in carrying it on privately than I could have if I were to carry it on publicly.

7635. You are not exposed to the invasion of any political considerations?

I have not met with any opposition. I think I have the sympathy and co-
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operation of the clergy pretty nearly to a man. Sometimes a clergyman will write to me (very occasionally, only, perhaps, one in two hundred), "I hate emigration, but I cannot help myself; I am besieged from morning to night; and if I do not forward these applications to you I will have no peace." I recollect one such case, but the clergy have expressed themselves generally in the heartiest possible spirit in co-operation and sympathy with the endeavour to aid them to go.

7636. Supposing we could conceive such a thing as the appearance of a considerable number of persons animated by the same spirit, and possessing the same means as you have, do you think they would be welcomed by the peasantry without any reserve?

It would be necessary to act very judiciously; to raise no prejudices; not to take any part in evictions; not to take any part in religious controversy; or in directing them to any particular country. But if they gave them the free choice of going anywhere they liked, and with as little direction as possible, I think the aid would be taken freely; but there might be a good deal of suspicion raised if it was not done very judiciously. If there was any suspicion that the movement was not thoroughly honest, and for their own good, but with an ulterior object, it would not be welcomed, I think.

7637. Earl of *Pembroke and Montgomery*.] There ought to be no compulsion, in fact?

There ought to be no compulsion, certainly not.

7638. Marquess of *Salisbury*.] You think that there should be no idea of its being gratifying to the English Government?

There is no love for the English Government unfortunately.

7639. But would not that be the fact, and would it not be a drawback to the action of the Government, that the people would look upon it with some suspicion?

I do not think it would be a drawback if it was not connected with any direction, or with any process of eviction; if they were simply offered the choice in this way: "We will give you so much help for emigrating to wherever you wish to go," then I think the offer would be taken freely.

7640. But if it was in any way connected with any process for re-possessing the landlord of his land it would not be so popular?

It would be looked upon with great suspicion and would be greatly opposed.

7641. It has been, in fact, your good fortune to keep clear of any political system, has it not?

I have kept perfectly clear of that, and I have the co-operation of the clergy of every denomination, including 600 Catholic clergymen, and 200 Protestant clergymen in the West of Ireland,

7642. And I suppose that the landlords, so far as they were able, would have been willing to help you?

I have not had communication with the landlords.

7643. You have thought it wiser to abstain from such communications, possibly?

My correspondence was with the people, and with the people only and their clergy; but I was quite willing to enter into correspondence with anybody upon the subject.

7644. Lord *Carysfort*.] Do you think the result of your emigration has brought about any reduction in the number of families in those districts, or do you think there is still the same number of houses that there was before you commenced emigration?

I daresay there may be perhaps nearly the same number of houses that there was, but it must be recollected that those girls, if they stopped in this country, would have married and reared families with the prospect of poverty and destitution; whereas, going to America, they marry there, in the natural course of things, and rear up families there, with a prospect of comfort and independence.

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coce. If they remained here we would have a great increase of poverty going on from year to year; that is checked by this emigration.

7645. If emigration was carried out with a view of removing a superfluous number of families, do you think that that would meet with any very great opposition, even if it was made comfortable for those sent away?

It would not meet with quite such universal sympathy as the other, but if they had the offer of aid to go immense numbers of them would accept it.

7646. And that would not be opposed by the clergy, you think?

I could not say whether it would be opposed by the clergy or not.

7647. Marquess of Salisbury.] Do the middle-aged leave as readily as the young?

Not so readily. They would not so readily acclimatize, and they are rooted more in the soil here. It is the young people that have a notion to move.

Adjourned to Friday next, at Two o'clock.

Die Veneris, 21^o Julii, 1882.

LORDS PRESENT:

Duke of SOMERSET.
Marquess of SALISBURY.
Marquess of ABERCORN.
Earl of PEMBROKE AND MONT-
GOMERY.

Earl STANHOPE.
Viscount HUTCHINSON.
Lord TYRONE.
Lord CARYSPORT.
Lord BRANDBOURNE.

LORD TYRONE, IN THE CHAIR.

Mr. JAMES H. TUKE, is called in; and Examined, as follows:

7648. *Chairman.*] I THINK you have had a good deal of experience upon the subject of emigration?

Yes, I have.

7649. Would you tell us how you came by that experience?

My acquaintance with, or interest in, Irish questions began many years ago, when I was assisting the late Mr. Forster during his arduous work in the famine of 1846 and 1847; and since that time I have taken great interest in Irish questions; and in the winter or spring of 1880 I again went out. A few of my friends were very anxious when the distress arose at that period that some reliable information should be gained, so as to know, as far as they could, what was desirable to be done; and they suggested to me, that if I wished to go out again they would be glad that I should do so, and administer a small fund which was raised for the relief of the distress.

7650. Do you mean to say that they suggested that you should go to Ireland?

Yes; that was in the spring of 1880, and subsequently I have made several visits to the west of Ireland, the most recent in March, and again during April and May of the present year. In the last-named visit I was engaged on behalf of the Committee formed at the Duke of Bedford's in March, for the purpose of assisting emigration in the west.

7651. Were you connected in any way before that time with emigration?

Not at all; not in the slightest degree, and I am not now, except so far as regards taking it up from an interest in the people of Ireland. I have no personal interest in emigration whatever.

7652. And you visited the west, I suppose?

I did.

7653. Will you tell the Committee what conclusions you came to?

In the spring of 1880, during that period of sharp distress, I came very strongly and increasingly to the conviction, which had been growing, I think, for some past years, that it was quite impossible for the population to live on the very small holdings, which, as you know, are so numerous in the west of Ireland; and as any one, I think, who was assisting to relieve distress would do, I asked myself, "What is there behind all these ever recurring periods of distress; what is the cause of it all; and are there any means of remedying it?" and in looking at some of the various means which suggested themselves, that of emigration certainly did come very strongly before me.

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7654. Did you come to any conclusion as to how it would be best to carry that emigration out, that is to say, whether it should be carried out by State aid, or not?

I came to the conclusion that it was so enormous a question that it was quite impossible for private individuals to undertake it, though they might do so by way of commencement; and I came very strongly to the conviction that it was necessary that the Government should assist emigration; also that whatever the poor law authorities or guardians might properly do in certain districts, that it was an impossibility in the poorest districts most needing emigration, for the unions to bear the sole burden of emigration. Whatever portion they might be able to bear, I came strongly to the conviction that they could not bear it all.

7655. I suppose that you were not in favour of compulsory emigration? Certainly not.

7656. You were in favour, as I understand, of assisted emigration? I was.

7657. That is to say, that the Government should pay a portion of the sum required in each case where a man, or a woman, or a family wished to emigrate; is that so?

It was so. As you are well aware, many of the unions are exceedingly poor; take Belmullet; take Newport; take Clifden; take Oughterard; many of these are unions that are so exceedingly poor that it is quite impossible for any large number of persons to be removed at the cost necessary for emigration without some assistance outside of the union; that is the conclusion I came to. Whatever that number actually may be, it is very difficult to say. In the union of Clifden county Galway, in which I have been specially working with the committee (which you may perhaps be aware has been in existence for some little time, and of which the Duke of Bedford is the President), we found that the thousand persons whom we removed from that union would in all probability represent little more than one-fourth of those who would have gone if we had had the funds; that is to say, we were obliged to stop where our funds ended, or with the amount we thought proper to give to that union; and I feel no doubt that 4,000 to 5,000 persons might have been assisted from the Clifden Union out of the 25,000 persons in it, as the demand was so great. They came from all directions; I have had people walk in 50 miles; I have had women walk in 40 miles; many walked in 10, 15, or 20 miles day after day in the hope that it was possible they might get a ticket or a promise of emigration.

7658. Duke of Somerset.] What did you give for each person to emigrate; what was the cost of the emigration?

The total cost per head came to a little over 6*l.* for man, woman, and child on the average.

7659. You did not send one person then?

Our idea was to remove families. The theory we commenced with, and one of the rules laid down by the Committee was, that we should remove families rather than individuals. It is very easy to remove individuals. They can themselves to a large extent go, but when you wish to really lessen the number of holdings in the congested districts, it seemed to us that it was necessary to remove families, and of course if there are six persons in a family, costing 6*l.* or 7*l.* per head, it is a very expensive matter to emigrate these small holders of land.

7660. Where did you move them to; did they chose their destination themselves, or did you choose it for them?

We almost always asked them where they wished to go to; we said, Have you any friends anywhere, or where are your friends? and so far as we could we assisted them to those places where they had friends. Many of them, on inquiry, we found had a very slight acquaintance with their friends; and in those cases I think we wisely exercised a little judgment in saying where we would send them to. I had made arrangements in the United States with friends of my own, privately, who undertook very kindly to meet these poor people, and send them to wherever there was the largest amount of work or labour to be found.

7661. Then

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7661. Then you had, as it were, an agent, or some one out there?

These were merely personal friends of my own. I wrote out to them to say that I believed there was a number of poor people coming out who wanted some assistance in this way, and they very kindly just formed themselves into a voluntary association (the same as our voluntary association in this country) to assist them.

7662. That would do on a small scale, but if the Government undertook to do it on a large scale, it would be much more difficult to find employment for them, I suppose, would it not?

Yes, no doubt. Then perhaps I might just continue what I was saying. A certain number went to Canada. The Canadian Government made the necessary arrangements through their agents; they met them at Quebec or at Montreal, and forwarded them to Toronto, and there again the agents of the Canadian Government placed the people where they thought most advisable. That, so far as I can see at present, is really the best way of dealing with them. As you are aware, in the United States there is now considerable objection to an Irish emigration, and in some recent letters from my friends they say the feeling is rather strong against them for taking up Irish emigration. As an illustration, I may mention that they endeavoured to form a general committee but were unable to do so from that feeling, that it was undesirable to take any steps to promote Irish emigration at this moment.

7663. Earl of Pembroke and Montgomery.] Is that simply because it affects the price of labour, or for some other reason?

It is that so many Germans and Scandinavians are going over, and they prefer the German and Scandinavian element as a labourer. At the same time it is only right to say that every one of the families we sent, so far as I know, were at once placed. In many cases manufacturers, or other persons, paid the fare of the people from the sea-board to the centre of Pennsylvania for instance, or the various little manufacturing villages in Boston, for the sake of obtaining their labour, and placed them in little houses, with their families, at once, which showed that there was no excess of labour.

7664. Viscount Hutchinson.] With regard to those that went to Canada, have you been able to trace them in any way?

Very little, for this reason: at first none of the people would go to Canada; they had the strongest objection to Canada; when they found, in the case of the last shipment especially, that we were obliged to limit our numbers, they said, "Send us wherever you like, only let us get out of our misery here."

7665. Duke of Somerset.] Why did they object to Canada?

I believe simply because they thought it was a great iceberg. That was the feeling. None of their friends had been to Canada. Many of them had been in different places. We found wherever anyone had gone out and sent home a good report, immediately in that little townland everybody wished to go into that particular district.

7666. Viscount Hutchinson.] But had you any negotiations with the Canadian Government with regard to provision being made for those people when they went out there. As I understand, the Government, and also some of the large railway companies who give land-grants out there, are prepared to take emigrants, and provide them with houses and certain grants of prepared land on their arrival, taking repayment of the money by an arrangement with the tenant, something like the system in France?

Yes, but I believe they are not quite prepared to take them unless they have money; they will take them if they have a little money. If a man goes out and has 20 £, or a small sum of money, then they will place him upon the land, but they do not at present, so far as we are informed, like to take the very poor people.

7667. They would not take pauper emigrants in fact?

I hardly like to use the word "paupers," because these people are the rank and file of the poorer classes of the district; they are not receiving out-door relief. Perhaps I am limiting the idea of a pauper to one who is receiving money from the rates.

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7668. We will not call him a pauper, but we call him one without capital?

My reason for rather objecting to the term is this, that the moment anything is said in America about our sending out paupers, it is at once said, "Very well, we shall send them back," and many of these people would have been sent back unless they had been consigned to someone who had the power to forward them and supply them with a little necessary money to maintain them for a day or two until they obtained work.

7669. *Chairman.*] You mentioned just now that you were in favour of emigrating whole families?

Yes.

7670. You also stated, I think, that you paid the whole money?

We did.

7671. Did you find any cases in which these families or any members of those families were able to find any part of the money?

There were a very few cases indeed; we always inquired as to their means in each case. The relieving officer who took down the lists of those who wished to emigrate in the different districts, made a somewhat strict inquiry as to the means of the people. Some did pay us a very few pounds, perhaps 2*l.*, or 3*l.*, or 5*l.* Those who were well-to-do, of course, did not come to us, but, in fact, we had not only to pay the fares, but we had to pay the car-hire from Clifden to Galway, which is 50 or 60 miles, according as the case might be, from different portions of that large scattered union of Clifden. We also had to clothe a very large number of those people before they were fit to leave. It cost us very nearly 1*l.* a head all round to clothe these people; they were in rags. Some of them when they came to the union house to have their names taken down have perhaps said to me, "I want money for clothing," and I have said "Why, you have got a decent coat there, and you do not want a coat," and the reply would be, "Indeed it had been borrowed;" and I believe that in a number of cases the people came in borrowed clothes (I have known it in other instances) in order to appear before us fairly decent; but a very large majority of the women came without any shoes or stockings.

7672. *Earl Stanhope.*] Who was associated with you in this inquiry; I do not mean the committee here, but who was associated with you in Ireland?

At first I was entirely by myself, subsequently I was assisted by Mr. Hodgkin, and chiefly by Major Taskell, who continued the work after my return. The clerk of the union at Clifden assisted me in the inquiry, and also the relieving officers. Perhaps I ought to say that it was understood when I went to Clifden that the union should find a portion of the amount that was needed for these people. They passed a resolution to find us 2,000*l.* As you are aware, necessary forms had to be gone through, but after all the necessary formality had been completed, which was all perfectly in order, and then at the last moment, after I had been at work there for a month or so, and sending out people,—had sent out some hundreds indeed,—they passed another resolution rescinding the former one, and left us without the 2,000*l.*; we expected to spend 7,000*l.* in that union; we agreed to spend 5,000*l.*, as against their 2,000*l.*, but we stopped, of course, after having spent our 5,000*l.*, and the people who were expecting to be sent by the 2,000*l.* to be found by the union, were not sent.

7673. *Chairman.*] I would ask you whether it is not possible that some of the applicants for emigration might not have treated you very much in the same way as the union did, and have had funds, or the possibility of raising funds, and pleaded poverty before you in order to get as much from you as possible, to assist them to emigrate?

I quite imagine that to have been the case in a limited number of instances, but I also know that in some cases in which it was hinted to us that persons whose names were on our list for emigration had money, and that they could obtain their own clothing, and I have refused to supply them; as where I have even said, "I will not find you car hire," they have not been able to leave. The poverty of the people, known, I believe, to all the officers of the union and the gentlemen who were associated with us there, or at least who

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who came in, was even greater than they thought, but I do not know how it can be otherwise when you have in that Clifden district 4,000 holdings, and 3,200 of those holdings each under 4*l*. The total amount of arable land under crop in that union for the 4,000 holdings is only 10,000 acres, and when you divide this quantity among the 4,000 holdings, it brings you to this, that you have three-quarters of an acre per holding of oats and an acre and a quarter of potatoes, that is including all the farms, large or small, in Clifden Union. For instance, there is Mr. Mitchell Henry's large farm, and there are certain other large farms, but the total quantity of land under crops in the whole union per holding is not more than three-quarters of an acre of oats, and an acre and a fraction of potatoes. The table I hand in will show the poverty or the character of the townlands of that district more clearly than anything else (*the document is handed in, vide Appendix*). From this it will be seen that 25 families, or 157 persons, are living on land valued at 40*l*. 15*s*., at a rental of 85*l*., and owing a total of 333*l*. for rent, and 381*l*. for shop debts.

7674. Earl of Pembroke and Montgomery.] I suppose the greater part of the people upon these small holdings do not profess to make their living on them at all, but by their labour over in England and Scotland?

The Clifden Union is in a very exceptional condition in that way; there are not more than 300 able-bodied men who leave the union of Clifden to come over to England; a very large proportion of them speak Irish, and they are so poor that many cannot find the necessary amount to bring them over to England. That is so in the case of a great many of them at all events, I have found even where a member of a family has been working in England, and where the rest of the family wished to emigrate, that the whole family has stopped because the single fare of the one person from Scotland or from England could not be paid. They had not the means to pay the 10*s*. or 12*s*. which would have brought that one back again.

7675. Duke of Somerset.] Do you pay the money to the people themselves, or give it to the shipping agents, so as to secure that it is employed for taking them across?

We made arrangements with the shipowners. We had to engage vessels to come into Galway Harbour for the people, guaranteeing to send a certain number of passengers at so much per head. Very few indeed of the people had any money at all except a few shillings, which was given them either on the ship or on landing in America, so that they might have a small amount in hand.

7676. Had you to clothe them as well?

We clothed them as well.

7677. Earl of Pembroke and Montgomery.] I suppose, in your opinion, there could not be any possible remedy for the state of things you have described except emigration?

There is just the possibility of some industrial occupation being introduced into the district.

7678. Duke of Somerset.] What industrial occupation do you think of?

In their own little way they manufacture a very considerable quantity of homespun frieze of very excellent quality. The people themselves in former years were all clothed in their own very charming homespun goods. As you know, the Connemara dye is famous, whether it be, that the Connemara people are a somewhat mixed Spanish race or not, they are a very superior class of people, very different from the North Mayo people for instance. The women can spin admirably, and are very dexterous at everything they undertake, but there is no employment, that is really, unhappily, the fact.

7679. Earl Stanhope.] Is there no fishing off the coast?

The fishing on that coast requires a much larger amount of capital than the people possess. It is a very difficult coast indeed for anyone to use, unless in large well formed fishing boats. Even those who had charge of the gun-boats lying there, who would have been disposed to take the poor people to Galway, said it is so uncertain as to whether we could go before, even to Roundstone Harbour, which is a splendid harbour, that we think you had better not depend upon us to take them. I believe that really is the reason why the fishery of that coast is so

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impracticable, that the coast is so exceedingly rugged and wild, the harbours are so few, and that every year the people's boats and netting are swept away.

7680. *Chairman.*] With regard to sending out families, did you send out old people; were there many old people sent among those who emigrated?

In some cases we could not refuse to send them out. It was a very difficult question. Perhaps you had a large family brought before you, and many of the members were grown up men and women; some were 22, 23, or 25 years of age, all living in the house together, eight or nine, or six or seven in all, as the case might be; and when the old man or the old woman was to be left behind, I confess I could not say, "You must leave them behind." One naturally said to the younger ones, if you take the old people you have a great responsibility; you must take care to support the older persons. In the case of an old person, if the number of bread-winners in the family did not seem sufficient we certainly did not send them out. In removing families it is exceedingly important to consider each family in this way, as to whether it contains a sufficient number of bread-winners to really support the family.

7681. In those cases did you emigrate any of the family or leave all the family at home?

We usually left the family at home. In some exceptional cases we sent out part, for instance, where there was a large number, perhaps we selected two grown up young fellows and two grown up young women, and sent them out as representing the family. Then two or three were left behind who would be equally able to support, so far as you can call it supporting, the family that remained; and we did so with the general idea that they would send money home to take the others to America.

7682. In sending out these old people that you say you did send, did you anticipate that their sons and daughters would support them out there?

Certainly.

7683. Or did you anticipate that they would get any work themselves?

There were a few who were too old. Generally speaking they were perhaps somewhere about 60 years of age; men who certainly had some work left in them; they might do a day's work.

7684. May I ask whether you have heard any reports from those you have sent out?

Yes, we have in many cases exceedingly satisfactory reports. Many small sums of money have already been sent by the emigrants, 1*l.* to 3*l.*, with the promise of more. I had two or three letters recently which showed that the men who had been very glad to work at 1*s.* 4*d.* a day at home, if they could get it, were at once earning 12*s.* a day. Others have written saying they had 6*s.* and 8*s.* a day, and "were as happy as the day is long."

7685. *Earl Stanhope.*] In what way?

In the particular case of the men earning 12*s.* a day, it was simply in earth-work and tunnel making.

7686. *Marquess of Abercorn.*] Was it in the United States or Canada?

This was in the United States, but we have equally good accounts from Canada. In the case of one fellow I was rather interested about, whom I had information about, the moment he arrived at Toronto he earned 8*s.* a day.

7687. *Earl Stanhope.*] What was that in?

In that case it was in driving horses, I think, as a car-driver, or something of that kind.

7688. *Chairman.*] Did you say he was getting 1*s.* 6*d.* a day at home?

I should think it was nearer 1*s.* 4*d.*, from 1*s.* to 1*s.* 4*d.* were the wages in that district. The almost entire absence of employment in Connemara is most striking. So far as I could make out, there were only three employers (I have called it five in the account which I have written of the visit in the "Nineteenth Century") in the whole of the Clifden Union who were giving any employment other than that of a man or boy to take care of his horse or to look after his garden. I believe there were only three owners of land in that large union (equal in size to the whole of Middlesex), with its 25,000 people, who employed extra labour.

7689. The

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7689. The farms being all about the same size, nobody was required?
Just so.

7690. In fact, they could not only do the labour on their own farms but on others as well?

Just so.

7691. Viscount *Hutchinson*.] I suppose there was employment on the roads for contractors?

There is one highway through Connemara, and branching out in two or three directions, but the majority of the people have to go across the bog to their little houses.

7692. Exactly; but these roads have to be kept up, have they not?

Yes, of course those roads are kept up, but the traffic is so slight that there is but little road-mending, and the material is hard granite; so that I think labour on the roads must be at a minimum.

7693. The county surveyor has very little to do, you think?

I think so, in that way.

7694. *Chairman*.] I suppose you think it is an absolute necessity in any scheme of emigration that there should be some office on the other side for the purpose of arranging for the people after they land?

I think it is absolutely necessary, if you remove families, that you should have some arrangement for them on landing. If you remove individuals, strong men and strong women, there is such a demand for them that they would at once be taken off.

7695. I suppose as you have given this evidence about families you are of the opinion that you are doing much more good to the country by moving whole families than by moving individuals?

I feel so, very strongly; I admit that it is an extremely difficult question, because so many families are not in a condition to be removed; that is to say, the number of bread-winners in the family is too small. We are constantly warned, "Do not send over a family with only one bread-winner"; for instance, you must have two at least, two men or two boys above 14, or something of that kind, or there must be a certain proportion above 12. It increases, as is evident, very much indeed the difficulty of dealing with families and selecting them.

7696. I suppose there would be no objection to sending out a young man and his wife with several children?

One or two children.

7697. Not more?

I think if he had six or seven children, unless under previous arrangement or favourable circumstances, that it would be undesirable, from what we hear.

7698. We had some very interesting evidence from Mr. Vere Foster, whom you may have met?

I know him, and have the pleasure of his acquaintance. It is impossible to over estimate the value of his noble work.

7699. He was rather, I think, against the removal of whole families?

Yes.

7700. And his reason for that was, that he thought that it was a very great responsibility to remove them?

I grant it.

7701. I do not think he thought it was injurious to the country; is that your opinion?

I consider it most advantageous when carefully conducted; it is an immense responsibility, and if no arrangements were made on the other side I think no emigration ought to be encouraged of families. It is absolutely necessary, I believe, that some arrangement should be first of all made for families. I am quite aware of that difference of opinion between Mr. Vere Foster and myself. We have often discussed the subject. His system is a perfectly easy one and a

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most useful one in many ways; at the same time it does this, it clears whole districts in Ireland of young women. He only assists young women, or nearly wholly confines himself to emigrating young women; it is true that this will prevent a family springing up in the overcrowded districts; every one of these girls at once goes into service, and there is no responsibility upon Mr. Vere Foster's shoulders whatever; he simply gives them the ticket, and there his responsibility ends; he knows they will get work at once; but in removing families you certainly must make some arrangement on the other side.

7702. And in addition to that, I suppose that in removing a family you have to pay the whole cost, whereas, Mr. Vere Foster showed us that he could emigrate a whole county very nearly of young women, without paying more than a fourth?

Yes. You will see that if we only moved one person in a family, and all the little funds in the family were devoted to the additional fare and clothing of that one person, it would be very easy for a family to send him or her out under Mr. Vere Foster's arrangement. If we have to pay for the whole, as we have, it makes a very large sum to be found for the family.

7703. Did you hear any complaints as to the way in which these emigrants were treated on board ship?

In the two first vessels there were no complaints whatever; in the third vessel in which the emigrants went out under the care of a priest, Father O'Donnell, of Liverpool, we have heard some complaints of want of food or proper feeding. I have been corresponding on the subject within the last two or three days. Father O'Donnell says there is no cause of complaint; two or three of the people themselves have complained rather strongly.

7704. Duke of Somerset.] What vessel was that?

That was in a vessel called the "Winnipeg."

7705. Did it come from Glasgow?

No, from Liverpool; it went into Galway Harbour for us, she is a regular emigrant ship.

7706. Being a regular emigrant ship, it was looked after by the Government, was it not?

I presume so.

7707. Now as to these poor unions, I do not suppose the union would be able to send the people out, the union is too poor to do that, is it not?

Some of the unions are undoubtedly too poor. Our object was to assist the very poorest unions. Taking the four unions that we endeavoured to work in (Oughterard, Clifden, Newport, and Belanullet), three of those unions have been assisted to a very considerable extent by the Government during the last few years, and in unions only just saved from bankruptcy you could hardly expect willingly to levy any heavy rate for emigration, at the same time the cost per head per family for one year in the workhouse is just about equal to the cost of emigrating that family; that is to say, it costs about 8*l.* per head per annum in the Irish workhouses, and we may roughly say that 8*l.* is the cost of emigration; it is the cost of moving an adult, at any rate.

7708. What you have done has been done upon a benevolent system, but would it work in the same way if the Government undertook it?

I believe it will be absolutely necessary for those districts for the Government to undertake it in some way or other.

7709. What is your notion of the number that you could send in a year?

I feel it exceedingly difficult to come to judgment on that question. Taking the five counties in the West which are the most impoverished at the present time, about 25,000 people emigrate from those districts every year. They are chiefly from the rather better class, who can find a little money. Many of them are these that have been assisted by funds sent from America or by Mr. Vere Foster. My own impression is that another 25,000 might very properly be assisted from the same districts in the year without difficulty, if an arrangement were made on the other side for their reception.

7710. You

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7710. You would make those arrangements in Canada, as I understand? I should as far as I could. There is no reason, if there is a great demand for labour in the United States, why we should not send some to the United States.

7711. Then you would rather send single men, I suppose, than families to the United States, would you not?

I think it would be preferable, if single people are sent out at all by Government funds.

7712. Earl of Pembroke and Montgomery.] I take it, from what you told us just now, that the Government in most cases would have to pay the whole outfit of families going out in those very poor districts that you were talking about?

I think they would, very nearly. I suppose if some portion had to be found (according to the idea of the clause in the Arrears Bill, 5*l.* per head is to be found by the Government, and the rest by the union), I think it is probable that the difference between this and the actual cost would be found in some unions but certainly not in others. The unwillingness of the shopkeeper guardians to lose their hold upon the people is so great that they will not vote money for emigration.

7713. Marquess of Abercorn.] Do you find that the emigrants like going, or do they go unwillingly?

All went in the most undoubtedly willing way. Indeed there is no power to compel them or make them go. It is purely voluntary. The difficulty was to select from those who did want to go.

7714. Then there is some change come over them; a few years ago they were unwilling?

The change that has come over the people is most extraordinary.

7715. Earl Stanhope.] You have written an article in the "Nineteenth Century," I believe?

I have.

7716. And in that article I do not think you mention how many unions there are which, in your opinion, should be dealt with?

Of course I do not confine my idea to four or five unions in the slightest degree. The committee with whom I worked were necessarily bounded by the small sum at their disposal, and thought it necessary to confine their work to the four unions. As to the number of unions that require help, I believe it would be found that at least 25 unions—portions of unions—require help.

7717. After that answer may I put before you the Government amendment to the Arrears Bill, which is shortly coming up to the House of Lords?

Yes.

7718. You will observe that there are five unions mentioned in the Schedule, and the Member for Liverpool suggests a longer list?

Yes, I understand from Mr. Rathbone that he withdraws his amendment in favour of the Government clause.

7719. It is only the schedule of places that I refer to?

The Government has adopted what I felt was a much wiser plan, that is to say, they have taken a certain number of counties, and say that portions of unions or electoral divisions in those counties require help; and although they have not positively scheduled them, they give the Lord Lieutenant power to make grants outside the five unions scheduled.

7720. This is the Government Schedule, and these are the five places that the Government have scheduled? (*The document is exhibited to the Witness.*)

Then that is the alteration made since last evening.

7721. Yes, it is since last evening; but what I want to elicit from you is whether that comprises all the unions that ought to be dealt with?

My own feeling would be that it is very important to add certain other unions or portions of unions, it would be impossible to say exactly what these are, and the wider area is a very much better one. As you are aware, the principle

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of the Irish union rating is to levy the rates over the electoral divisions, and you may have in the same union exceedingly well-to-do electoral divisions, whilst the very poorest electoral division may have the highest poor-rate and the least power to help itself. The rates vary from 4 s. to 2 s. in the same union. In Oughterard Union, for instance, they vary from 5 s. to 2 s. 6 d.: take Camus, you would require in the electoral division of Camus (on which there is a rate of 5 s. 6 d.) to assist the largest number of people, and according to the present system of levying the poor rate, in all probability it would double the poor rate, or it might treble it, to move any considerable number, and so it would be in certain other unions outside the five, which are undoubtedly those which most need help.

7722. Do you think it is likely that the unions will exercise the power that is now proposed to be given to them of raising a loan in order to further emigration?

It would come very much to this, I believe, in many of them: is it less cost to us to do this than to support the people on the poor rate? At the present moment, as I found in Clifden, the shopkeepers, who are the guardians, are bitterly opposed to emigration, for this reason, that all the people who are emigrated owe them money and are their customers. I have sometimes been arguing with a shopkeeper, who perhaps has been opposing some man going out, and I have been saying, how is it possible for you to get anything out of that man, who is 40 l. in debt to you and 30 l. or 40 l. in debt for rent; how is it possible when the whole of that man's belongings, as you know perfectly well, are not worth 10 l. or 15 l., for you to do so. I have heard him say, "I can get a shilling out of him, and I would rather he would remain here in his poverty than that he should go." One has heard that kind of coarse, unfeeling remark, whether it was actually meant or not.

7723. *Chairman.*] That was a shopkeeper, you say?

Yes, it was.

7724. It was only among the shopkeeping class that you have heard that? Certainly that kind of remark.

7725. *Duke of Somerset*] But the shopkeeping class are the guardians, are they not?

They are.

7726. Therefore they are the most important class, because it is necessary to get their consent to let the people go?

It is undoubtedly so, and that makes me feel that it is extremely difficult to foretell the course they will take.

7726.* If the pressure of the poor rate is so heavy as to make the guardians feel, "Well, we are going to pay a 10 s. or 12 s. rate," and that is to continue with this enormous out-door relief, or whatever it is, I think they would then undoubtedly say, "We had much better go and borrow for 30 years." You see at once the difference in the strain upon the union of an annual charge per head, or levying it over 30 years, as they would do under this Act?

I think many of them would at once say, "Yes, we will borrow the money;" but if I may venture to say so, I have a very strong feeling that it would be most important, nay, essential,—seeing that the Lord Lieutenant has some power given him under one of those clauses,—that in the unions which are scheduled he should also have power of directing that a grant should be made, if he thought fit, to some other body than the guardians.

7727. What body would you suggest?

The Lord Lieutenant, I think, would be able to find parties who would carry it out. I think it is hardly for me to suggest who they should be.

7728. *Viscount Hutchinson.*] Would not the 32nd Clause of the Land Act meet the case. The Land Commission is empowered to "enter into agreements with any person or persons having authority to contract on behalf of any state or colony"?

Quite so.

7729. You

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7729. You would give a similar power to the Lord Lieutenant, I suppose?

Yes. That was in the case of a loan. I would apply the same principle to the grants proposed to be made in the *Irish Land Bill*.

7730. *Chairman.*] May I ask you whether in empowering some other body than the Board of Guardians to raise a loan—

It would not be raising a loan. In the case of those unions where a grant of 5 *l.* per head is made, which required that the guardians should borrow 1 *l.* or 2 *l.* a head, in addition, the Government would say, "These are the unions in which we propose to grant 5 *l.* a head on the application of the guardians; and my feeling is that in some of those unions, where you had guardians absolutely dead against emigration, the guardians would not apply, because they would say, from the feeling of which I have just spoken, We will not assist to emigrate the people; and in such a case I should like to see the Lord Lieutenant have the power to say, I will grant the 5 *l.* to some other body; say, to the Commission suggested in the Bill, or whoever else the Lord Lieutenant may appoint, who would have to supplement the grant.

7731. The Lord Lieutenant might say, "I will grant 5 *l.* to some other body," but who is to pay the interest of the loan?

If I understand it aright, the 5 *l.* is an absolute grant; it is not a loan. It is a grant of 5 *l.* a head to certain unions, distinct from the loans which are granted to all unions alike. That is a new clause.

7732. *Karl Stenbope.*] Do you not think that what would make it very effective would be to make it compulsory upon boards of guardians to emigrate the people, and then the difficulty you have mentioned about the objection of the shopkeepers would be overcome, would it not?

I am told that it is contrary to the principle of the whole theory of the poor law to make it compulsory upon the guardians to levy rates for emigration. You may make it compulsory, I am told, to levy rates for the relief of the poor, but not for emigration. I put that question to the Vice President of the Local Government Board in Dublin, and he said "We cannot do that; it is opposed to the whole theory of the Poor Law Acts."

7733. Otherwise, it seems where there is, as you have mentioned, a large population of starving people, to be a very judicious course that they should be sent to a country where they could earn their living?

Quite so; and that is why one would feel it to be a very reasonable power, but I am told it does not exist; but if there are, as in the poorest unions, a large number of people wishing to go, and the guardians did not choose to exercise the right of using their power to apply for a grant, or borrow, the view I had was that the Lord Lieutenant ought to have the power of appointing someone else to do the work, and to whom the grant of 5 *l.* per head might be made.

7734. *Lord Brabourne.*] Would not that be contrary to the principle of the Poor Law also?

I believe not, because there would be no rate levied at all. The individuals or persons to whom the grant was made, whoever they were, would have to find the difference between the 5 *l.* and the actual cost.

7735. Where is the fund to come from, if not from the rate?

I am imagining that a voluntary association, such as that I have had the honour of working with, to be still existing or continuing, or that the Lord Lieutenant made arrangements with someone else for the purpose.

7736. But if the refusal of the guardians to make a rate resulted in the falling back upon voluntary contributions, and if it were efficacious, would not that be a temptation to them generally to refuse?

It is a very difficult question to answer. The whole system of assisting a Poor Law Union seems to have somewhat that influence.

7737. There is great difficulty, is there not, in blending a compulsory rate with voluntary action?

There is, but this would not be a compulsory rate at all. We are speaking of the case of unions where there was a direct grant which was not to be repaid

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repaid; a grant made by the Government. The union might apply to have this grant; we were supposing the case of the guardians of a union who said "We will not part with the people," and who therefore will not apply, though it might not cost them a penny.

7738. It was only a question of not being willing to part with the people?
It was.

7739. In that case you would have some other authority coming in to deal with the matter, and be able to put guardians aside?

I think so.

7740. Viscount *Hutchinson*.] Do I understand you to say that most of the guardians in the Connemara unions are shopkeepers?

Yes; of course there are *ex-officio* guardians.

7741. I put them aside altogether. I mean to the electoral divisions?

They are the little shopkeepers, and a few of the rather better class of farmers; generally speaking the bulk of them are little shopkeepers.

7742. But the ordinary farmer (if you can call him a farmer) of Connemara does not aspire to the post of guardian, or at all events, if he does aspire, he does not get elected, does he?

Very rarely; I am speaking of course of that district. In better unions you have farmers elected.

7743. It comes to this, that these boards of guardians have very nearly a direct interest in keeping the people there?

That is so.

7744. Earl of *Pembroke and Montgomery*.] But surely that is not so in reality; it must be really an advantage to them to get rid of this poor population, because the population would be better off then than it would be even if more numerous?

That is so if they could see it; it would be an immense advantage to them undoubtedly. It is far better to have five well-to-do people than to have 10 starving people in a district, but they do not see it in that light.

7745. Earl *Stanhope*.] May I ask how many persons you think your society has been the means of assisting to emigrate?

We have assisted altogether about 1,500 people; men, women, and children.

7746. And how many families?

About 200 families I suppose it would be. At five persons each that would be a thousand, and probably the remainder would be individuals of one, two, or three out of a family.

7747. That means 200 holdings vacant, does it not?

Yes.

7748. What has happened to those 200 holdings?

To a large extent those holdings have been added, or will be added ultimately, no doubt, to the little holdings all round. I should say that a very large number of the people we assisted had been evicted; they were lying out on the hill sides or where they could get.

7749. Were their previous holdings occupied or vacant?

Their holdings were vacant, and many of them going to ruin.

7750. *Chairman*.] In an answer you gave just now, you said there was a great change in the feelings of the people with regard to emigration; when you first went to Ireland were the people averse to emigration?

No, I think not averse to it, but two years ago they had not come to the conclusion that emigration was the only means of relieving themselves from the terrible position which the loss of crops caused three years ago. Ordinarily a certain number emigrated from those districts yearly, but the potato crop had been fairly good for a number of years, and consequently they had not felt that pinch of poverty that they have felt lately.

7751. I allude

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7751. I allude more to your first acquaintance with Ireland, which dates a good many years back, does it not?

Yes, it does, as far back as 1846-7.

7752. What was the feeling of the people with regard to emigration at that time?

It is very difficult indeed to say. You will remember the extraordinary difference between 1847 and 1848 as regards the proximity (if one may so say) of America; then the first steamers were only just going across, and the families who were evicted during those years of the famine did go over, as we know, by thousands, but then it was felt by them to be a banishment; it was a compulsory movement; they did not wish to go, undoubtedly, at that period, and that has left so much bitterness.

7753. Then to come to later times, when the bad times came again in the west, there was still a feeling, as I understand from you, against emigration?

I should not say a feeling against it, but it was bounded in very many cases, I should think, by the people not having the means to do it. If you will look through the emigration returns you will see that they are almost a gauge of the poverty, or the reverse, of the districts. In well-to-do years the number who leave is small, but in years of bad trade (supposing the American trade to be good at any rate) the number who leave is large.

7754. I wanted to get at how you accounted for that statement, that the feeling of the people had changed?

I think, three years ago, taking Clifden as an instance, there was a great deal of employment in kelp burning; now that has nearly ceased; then there has been a gradual diminution of the crops of that district. The crops have been inferior for three years, and there has been a gradual diminution from some cause or other of the amount of grazing land which these people have. They have gradually, from the three causes combined, I think, come to the conclusion that it is impossible for them to live there any longer.

7755. Viscount Hutchinson.] How do you account for the diminution of the grazing land?

I think that more land has been let in large grazing farms.

7756. You mean land that they had the right to run their stock on without paying for it?

Yes; that which allowed the people in those miserable holdings to have two or three head of cattle has been gradually restricted, and the consequence is, they have only one or two head of cattle, and many are without a cow.

7757. Chairman.] These people then have come to the conclusion now, you think, that emigration is the only thing for them?

Undoubtedly.

7758. And, therefore, you think that this is the moment when a State-aided emigration would be most effective?

Just so.

7759. Have you come across the feeling of the priesthood with regard to emigration at all?

Yes, in a very many cases. I can, perhaps, hardly quote anything stronger than the expression of a Connemara priest: "I say, with all the energy of my existence, let the people leave in any and in every way that may take them out of the slough of poverty and misery in which they are at present sunk." That is written by a Connemara priest.

7760. Did you ever, in your experience at a previous time, come to the conclusion that the priests were not in favour of emigration?

Certainly; and, as a body, they are not in favour of emigration.

7761. Not now?

No.

7762. That is only an individual instance then that you quote?

It is.

(O.1.)

L L 3

7763. But

21st July 1882.]

MR. TUKE.

[Continued.]

7763. But Mr. Foster gave us evidence the other day from a very large number of dioceses that the priests were in favour of it?

They are in favour of it in single cases; any of them will send a number of boys and girls from their districts, but the moment it comes to emigrating a family they do not like it.

7764. Lord *Brabourne*.] They do not like to lose a household;

They do not like to lose a household.

7765. *Chairman*.] Therefore I understand from you that the population are very much in favour of emigration now, you might also say, for the first time?

Quite so.

7766. And that the two classes who are against it are the shopkeepers (who are in those very poor districts the poor-law guardians) and the priests?

Yes.

7767. Is there any other class that you think would be inclined to go against the emigration of families?

No, I think none at all. The priest is only partially so. You may find the priests in some districts, such as Oughterard, divided in opinion; there the rector is in favour of it, and his curate is so bitter against it that he would scarcely speak to me, but his superior asked me to assist him to emigrate one or two people; it is an individual feeling.

7768. Earl *Stanhope*.] Did you get the applications for emigration signed by the priest, like Mr. Foster did?

No, we did not.

7769. You did not think that that was necessary?

I suppose I should not have had them signed at all, in most cases, had that plan been adopted. The way it was done was this. The clerk of the union and the inspecting officer of the district gave directions to the relieving officers in going round their districts to inquire whether any of the people really wished to emigrate; not that it was at all put before them that they were wished to emigrate in any way, but they were asked "Do any of you wish to emigrate?" The result was that in a week, in that one union, there were more than 1,000 persons whose names were brought to me. In the little town of Clifden alone one-fifth of the population actually asked to be emigrated.

7770. Viscount *Hutchinson*.] What is the population of Clifden?

One thousand five hundred.

7771. *Chairman*.] You gave us information as to the way that the families you sent out to the United States were getting on, but I do not think you have told us how the families that you sent to Canada are getting on?

The simple reason is that they went out last, and we have hardly had so much opportunity of hearing, but I saw a letter yesterday from some of the people, saying that they were doing very well, and were quite satisfied.

7772. Do you think if the people that you have sent to Canada are happy and make a sufficient livelihood out there, that there is any likelihood of Canada becoming more popular in the districts you have been working in?

I have no doubt of it, and it is what I am very anxious to see, that is, that these people who have gone out should be thoroughly well treated, and be successful, in order that it may set the fashion or set the tone in favour of Canada.

7773. You do not think that there is any feeling against Canada as an English possession?

Amongst the people where I was working it was purely ignorance of Canada.

7774. And nothing to do with the fact that in the one case they would be under the American Government and in the other case that they would be in a colony of England?

Not at all.

7775. It

31st July 1882.]

Mr. TUCKER.

[Continued.]

7775. It is merely ignorance you think?
I believe so.

7776. And, therefore, if that ignorance is cleared away by letters from their friends who have got on successfully in Canada, you think that feeling against Canada may be removed?

I think so.

7777. Have you any further information as to emigration that you would like to give the Committee?

I think not. This is perhaps rather an instructive Table as showing the condition of one townland in Mayo, with the actual assets and liabilities of each holding. It gives the quantity of land under all the different headings, and the amount of stock, and the amount of debt. (*The document is handed in, vide Appendix.*)

7778. And the other one you handed in relates to the Clifden Union, showing the population, poor law valuation, and the number of families?

That is only a portion of the Clifden Union, and is intended to show the very large number of families on a very small valuation. Here are 6,000 people, or 1,000 families or more, living on holdings so small that the total valuation is 6,000 *l.*, or 2 *l.* per holding.

7779. Lord *Brabourne*.] This last Table which you handed in shows, I see, Griffith's valuation at 40 *l.* 15 *s.*, and the rent at 85 *l.* 8 *s.* 2 *d.*?

It is so. (*The townland in Mayo is referred to.*)

7780. That is rather more than double the amount of the valuation?
Yes.

7781. Then it shows that there are in almost all instances three years, four years, five years, and in some cases six years of arrears of rent due?

It does.

7782. The total amount of rent due being 333 *l.*; I see that you also show that 381 *l.* are due for shop-debts?

That is so.

7783. Have you any means of knowing whether the shop-debts generally in the district you are acquainted with bear that proportion to the rents due at all, or are they larger or smaller?

This may perhaps be rather an excessive proportion, but I believe it would be found that the rent and the shop-debts run very much side by side.

7784. Is there any reason in the circumstances of the country that you know of why one class of debts should be swept away, and the other class of debts left to be recovered?

I do not know that there is, but the principle of the Arrears Bill acknowledges that the debts on the land have a prior claim to those of the shopkeepers.

7785. The debts of the rent are a gradual accumulation of a fair charge for allowing a man to have possession of your property, are they not?

Yes; or it may have been too high and therefore unfair.

7786. The debts of the shopkeepers are debts incurred owing to the shopkeepers allowing an amount of credit and trust, which, perhaps, was scarcely provident, though it might have been kind; is it not so?

Just so. My feeling is, that it is quite impossible for the shopkeeper to get his debts paid. If I were a shopkeeper in the West of Ireland I should only be too glad to have an Arrears Clause by which I had 5 *s.* in the pound paid to me.

7787. Supposing that any measure put the tenant in this position, that he was free of the arrears of rent which were due from him to his landlord, if this Table at all represents the state of affairs throughout Ireland he would still have a heavy millstone of debt to the shopkeepers around his neck, would he not?

He would. I have frequently said that it wants a simple Insolvent Debtors' Court
(O.I.) L L 4

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MR. TUKK.

[Continued.]

Court in which rent and shop-debts might be all brought in, and met in a fair manner in reference to priority of position.

7788. And, therefore, any measure which dealt only with one class of debts, and not with the other, putting aside the question of justice or injustice to the particular class of creditors, would still leave the tenant with a heavy weight of debt around him, which he would no more be able to discharge than he would if it had not been touched?

Undoubtedly; it would leave him with the shop-debt, but my impression is that the trader looking at this man as a continuous customer will not come down upon him as was suggested the other night in the House of Commons, and at once sweep the district. His feeling is to keep these people, and to get a few shillings out of them.

7789. Viscount *Hutchinson*.] With an ultimate eye to the land, perhaps?

It may be so, I am not fully informed. Hitherto he has had no eye to the land; of course he has not had the chance in this district.

7790. Lord *Brabourne*.] He would keep his debt hanging over the farmer's head with a view to some ultimate advantage to himself, and at all events keep the tenant within his power, would he not?

He would, undoubtedly. If he kept the tenant there at all, it would be with the idea of getting something out of him.

7791. Then the shopkeeper would be in much the same position, or in no better position than the landlord, who is accused of keeping his arrears hanging over the tenant, in order to have power over him, would he?

The landlord does not wish to keep these tenants. The landlord, equally with the tenant, has now come to the conclusion in these districts that he should not have these small tenants; he is very anxious to lessen the number of tenants on his estate.

7792. But it is very often alleged, is it not, that the landlord allows arrears to accumulate so that he may have a hold over the tenant?

I have not heard it or seen it alleged.

7793. A great many things are alleged probably which, in your practical experience, you would not admit to be likely?

Just so.

7794. Earl *Stanhope*.] What do you mean by an Insolvent Debtors' Court; do you mean that the tenant should be declared bankrupt and compound with his creditors?

It seems to me, looking to such a statement as that put in of the Mayo townland, you are only half doing the work. You still have this man in an impecunious position. How is that to be met? In England, under the Insolvent Debtors' Act, or in some way or other, these people would undoubtedly be freed from the burden of this debt. It is too costly, or it is not the mode of dealing in the west of Ireland, and the shopkeeper simply hangs on and does not press for a settlement as a shopkeeper in England does. He says I shall get a sixpence or a shilling out of this man, or I shall be able to sell him a bag of meal at double the price, and get some of the debt back in that way." I believe that is the argument in their minds.

7795. I suppose the shopkeeper would be very well pleased if the debtor were declared bankrupt and paid something?

I have had two cases of that kind brought to me where I had been obliged to decline to allow a man to go in consequence of the extreme opposition of a guardian. One man who owed money in this way, bye-and-bye brought a statement showing that he had paid 6 s. 8 d. in the pound, and that the shopkeeper now allowed him to leave; and I have no doubt they would be very thankful to allow many to go under such circumstances.

7796. Duke of *Somerset*.] As you have had some experience in emigrating of people, would you tell us what is the time of year that you generally advise them to go?

They

21st July 1882.]

MR. TUKE.

[Continued.]

They ought to go as soon as ever the frost leaves either Canada or America. The beginning of March to the end of May for different parts of the country is the best time; we might send a few families now, but as you will see they will hardly earn wages enough to enable them to live through the long winter, and it is very important that the work should be done in March, April, and May, and the earlier part of June for them to begin to gain money for the winter.

7797. Do I understand you to mean that there seems to be no limit to the number of people you could send to Canada if you had a person there to arrange with them?

I am hardly able to answer that question as to the limit. As to Canada and the United States, it does not seem as if there were any limit at this moment.

7798. In the United States they refuse to have them, as I understand you?

They do not refuse, but they do not wish to make any arrangement or association for meeting them. There is a very excellent arrangement at Castle Garden, New York. I can hardly call it a Government association, but it is an association by which the immigrants from all countries are looked after by their own special agent or countryman. There is an Irishman who meets the Irish immigrant; there is a German who looks after the Germans, an Italian for the Italians, and so on; they are all met and cared for, and are all sent on directly to places where there is work to be found.

7799. I understand you to say they do not like the Irish coming there, but that they like the Germans much better?

That is perfectly true; I was speaking of the willingness or unwillingness of parties to co-operate for sending them out or meeting them. By this association at Castle Garden, an arrangement paid for in part by the shipping companies and partly by the City of New York, is made to send them on direct, whoever they are; but as to making an arrangement with the United States Government, or with private individuals in the United States, I believe it would be now impossible. Through this agency at Castle Garden emigrants would be forwarded in any number if there was a demand for labour.

7800. Marquess of Salisbury.] If it is not asking a startling question, to what do you think the poverty of these districts is due?

I think very largely to the simple fact that people are attempting to do the impossible, that is, they are trying to live out of these extraordinarily small holdings. That is the cause primarily.

7801. There are more people than the soil can support?

There are more people on a given quantity of land than it is possible to support out of the land without other employment.

7802. If that land was cultivated very highly, do you think there are more people than it could support?

Taking the Clifden Union, I have already stated that there are only 10,000 or 11,000 acres of arable land out of 195,000 acres (an area the size of Middlesex) under cultivation, or which is supposed to be suited for cultivation.

7803. No application of capital to that parish would enable the present population to live upon it, as I understand you?

It would be quite possible for anyone who chooses to do as Mr. Mitchell Henry has done, namely, spend a very large amount of money in improving his estate, to bring that bog land, or portions of that bog land, favourably situated, into fairly cultivated land.

7804. Would that be a remunerative operation?

I think not.

7805. Of course by the application of capital, one means the remunerative application of capital?

I believe it is impossible in those districts; I have come to that conclusion.

7806. Then if you were to present the people with an additional amount of capital, the land would not in the long run be able to maintain the population at its present rate of growth?

It would not.

(O.I.)

M M

7807. And

21st July 1882.]

Mr. TUKE.

[Continued.]

7807. And so if you swept away the landlord altogether and presented the tenants with the land in the long run, or in a very short run, it must come to the same result, that the land would not support the population?

The question of mere rent, I was going to say, has hardly an approximate bearing upon the question whether these people can live or not. When people are paying 1 *l.*, 2 *l.*, or 3 *l.* a year, the mere fact that they pay 1 *l.*, 2 *l.*, or 3 *l.* a year does not make the difference as to whether they can live or not. The question is whether the people being unable to cultivate more than perhaps an acre and a quarter of potatoes, and three quarters of an acre of oats, can or cannot simply live out of that without other employment.

7808. Then whatever opinion you may form as to measures that have passed, or that may pass with respect to land, or in whatever way you manipulate the rent, would you regard any treatment of that question as even for a short time a final solution of the difficulty?

For that fringe of unions on the Atlantic no Land Act can really solve the question. The gift of the land would not, I think, enable the people to live who are attempting to live on those small holdings of land.

7809. The poverty, in short, arises from the peculiar geographical situation of the country, which has made emigration unusually difficult?

I think the poverty of the people must prevent them from emigrating, or they would have emigrated more than they have done.

7810. Would not the emigration have commenced before the poverty commenced, if facilities existed as they do in some continental countries?

I take it that the poverty of the district has been for years and years so great that they could not find the necessary means to emigrate in families. Here and there an individual has left in the districts we have been speaking about (the five counties), but about 20,000 or 25,000 have left annually for some little time; and in reply to a previous question from the Chairman, I said I thought that another 20,000 or 25,000 would require to be sent out of those who could not find the means to go.

7811. And if they are not sent out they will become more numerous, I suppose?

Certainly, and the poverty of the district will become intensified.

7812. Therefore whatever difficulties may surround the question if we wish to remove this plague of Irish poverty, to the system of emigration we must gird ourselves up at last?

Yes, undoubtedly. The question always hinges upon this: what number of families can be taken properly and placed (we will say) in Canada each year. If Canada cannot take more than 20,000 people, or whatever the number is, annually, you see it limits our exportation, or it limits our assisting people to that extent.

7813. Do you imagine, from what you know, that either the United States or Canada are near a point at which the cup would overflow?

Not at this moment.

7814. And that there must be many years before us before that difficulty will hinder us?

That would entirely depend upon the state of trade in America.

7815. It would not upon the area of unoccupied land, you think?

Only partially, because these people do not all go to cultivate the land; a very large number of them go to industrial employment of various kinds. Very few have the means to buy the land.

7816. Then I suppose if the industrial employments are not open they go to land in one form or another, do they not?

The diminution in industrial employment affects the demand for labour. Five years ago the emigration from Ireland fell down to one-half of what it is to-day, simply because the demand in America fell off.

7817. The

21st July 1882.]

MR. TUKE.

[Continued.]

7817. The mere question of unoccupied land would not enable you to send an unlimited number of persons to Canada or the United States, would it?

I think not.

7818. I suppose you have had no experience of emigration to Australia?

Not at all.

7819. Do you know at all what the relative cost is?

I cannot say sufficiently nearly to be of any service.

7820. Earl Stanhope.] Do you know the ratio of the increase of population in Ireland annually?

In Connaught it is a ratio of diminution.

7821. Marquess of Salisbury.] By reason of emigration?

By reason of emigration.

7822. But what would be the natural increase, assuming people to remain?

I could not say what it would be. In ten years there has been a diminution of something like 20,000 persons in Connaught.

7823. Earl of Pembroke and Montgomery.] Supposing the Government were to carry out a scheme of State aided emigration, they would have to prescribe that each family should have a minimum outfit per head, would they not?

Yes, that I believe is now done. The Local Government Board is very strict indeed on that question as to the proper outfit.

7824. What is it per head for adults?

It varies largely; we found that it cost at least 1*l.* per head, that is including men, women, and children. It is more under the Local Government Board when emigrants are sent from the workhouse.

7825. You talked just now about the possibility of introducing industrial employment into these very poor districts as an alternative to emigration. I should like very much to know how you account for the fact that capitalists have never taken advantage of a country where labour is so very cheap and, as you have told us also, where the people are so very intelligent?

One great reason undoubtedly is the difficulty of access. We had to convey all the emigrants by cars and carts 50 miles to Galway; necessarily, if goods have to be taken 50 miles by land carriage, or coal, it adds immensely to the cost. Undoubtedly one of the great wants of that district is to be opened out by railways.

7826. Are there any harbours in the vicinity of Belmullet, of which I think you were speaking?

Yes, there is a capital harbour at Belmullet, but I was speaking of Galway and Clifden.

7827. And you look upon that as the real reason why capitalists have never taken advantage of the cheapness of labour in that part of the country?

That and the absence of coal; there is no wood either; peat is the only fuel, and it requires a very great expenditure of capital to compete with Lancashire and other places where the coal is close at hand.

7828. And do you say that practically there is no remedy whatever for such districts except emigration?

None unless some simple industrial occupation could be imported, or the manufacture of frieze increased. There might be a little done in that way; it is quite possible that some small manufacture might be established, but not, I believe, sufficient by any means to really employ the population.

7829. Not until railways are made?

Not until railways are made.

Adjourned to Tuesday, 1st August, at Twelve o'clock.

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A P P E N D I X.

APPENDIX A.

PAPER handed in by Sir Samuel Hayes, 15 June 1882.

SIR S. HAYES' ESTATE.

TABLE showing, 1. Government Valuation; 2. Old Rent; 3. Valuator's Value;
4. Judicial Rent.

Government Valuation.			Present Rents.	Sir S.'s Valuation. Nolan's Valuation.	Judicial Rent.
£. s. d.			£. s. d.	£. s. d.	£. s. d.
52 10 -	Lurgy - - -	Fletcher - - -	62 - -	64 - -	60 - -
28 16 -	Knockbrack - -	M'Kenny - - -	42 - -	41 3 4	62 10 -
23 - -	Ditto - - -	Ditto - - -	28 - -	29 10 10	23 - -
8 - -	Dooballagh - -	M'Amair - - -	13 5 -	Not valued	10 7 7
28 16 -	Trinavinsky - -	Lockhart - - -	36 - -	69 19 -	23 7 6
7 10 -	Dooballagh - -	Strain - - -	9 10 -	Not valued	6 - -
2 6 -	Creggan - - -	Gallagher - - -	3 14 6	9 3 6	Undecided.
10 10 -	Cappry - - -	O'Donnell - - -	14 10 -	16 16 11	9 10 -
17 5 -	Lettermore - -	Reed - - -	19 10 -	22 2 8	15 10 -
14 - -	Munalebbin - -	Prell - - -	17 16 -	19 12 3	15 10 -
11 16 -	Cappry - - -	Dogherty - - -	18 2 -	16 7 9	10 - -
6 15 -	Doobish - - -	Higgins - - -	6 10 -	7 19 1	5 15 -
-	Lettermore - -	Loghery - - -	4 16 -	4 3 2	3 14 -
10 10 -	Cornagillagh - -	M'Dade - - -	10 - -	16 6 -	9 - -
11 10 -	Mullaghfuin - -	M'Ghee - - -	15 10 -	14 7 10	11 5 -
7 16 -	Callan - - -	Donnell - - -	9 2 4	12 2 10	8 - -

7 June 1882.

W. H. P.

APPENDIX B.

PAPER handed in by Mr. R. Wade Thompson, 15 June 1892.

Names of Tenants whose Rents were fixed by Sub-Commissioners.	Landlords' Valuers' Valuation.	Old Rent.	Government Valuation.	Judicial Rent.	Amount of Reduction on Old Rent.	The Truest Right or Value of Holding Fixed by Sub-Commissioners.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Thomas Harrison - - -	2 11 8	2 3 -	2 15 -	2 15 -	- 13 -	29 - -
Anthony Cullen - - -	3 - 2	5 14 -	3 5 -	2 15 -	1 4 -	29 - -
John Judge - - -	8 8 9	7 17 -	8 5 -	8 5 -	1 12 -	35 - -
Henry Melvin - - -	6 12 8½	7 3 8	7 - -	8 - -	1 6 8	45 - -
*Lake Durkan - - -	11 14 -	6 - -	7 2 8	9 - -	Raised 17.	63 - -
Thomas Heap - - -	8 8 9	2 15 8	6 18 -	2 - -	- 15 8	12 - -
William Russo - - -	7 2 -	8 15 -	4 15 -	4 15 -	- 15 -	33 - -
Thomas Durkan - - -	16 5 4½	9 2 -	7 10 -	6 11 -	2 11 -	32 8 -
P. and J. Judge - - -	13 6 7½	14 15 -	9 15 -	11 17 6	2 12 6	-
	78 9 10½	52 1 10	52 - 8	51 5 6	11 12 5	-
*Lake Durkan's holding deducted from above, as the Rent of this holding was raised by Sub-Commissioners - - -	11 14 -	8 - -	7 2 8	9 - -	-	-
Total (in cases where the Rent was Reduced) - £.	51 15 10½	54 1 15	44 18 -	42 8 8	11 12 5½	-

† The reduction on the total of the old rents in these eight cases amounts to about 23½ per cent. Taken separately, they vary, but the reduction in some of them amounts to over 50 per cent.

APPENDIX C.

PAPER handed in by Mr. Hussey, 22nd June 1882.

COPY of CONVEYANCE referred to in Q. 5437-5439.

I the Right Honourable HENRY ORMSBY one of the Land Judges of the Chancery Division of the High Court of Justice in Ireland under the authority of an Act passed in the Twenty-second Year of the Reign of Queen Victoria intituled "An Act to facilitate the Sale and Transfer of Land in Ireland" and of the Acts amending the same in consideration of the sum of Seven thousand two hundred and seventy-five pounds by Samuel Murray Hussey of Edenhurn in the county of Kerry Esquire paid into the Bank of Ireland to the account of the said Land Judges and to the credit of the Estate of Henry Leigh Pemberton Trustee for Sale under the Will of HENRY B. HARENC deceased Owner and Petitioner in part discharge of the purchase money of Thirty thousand two hundred and seventy-five pounds for which the said Samuel Murray Hussey purchased the hereditaments hereby granted and in consideration of the further sum of Twenty-three thousand pounds by the Reverend Edward Arthur Litton of Newton Rectory in the county of Gloucester in England Clerk John Turnly of Drumssole in the county of Antrim Esquire and Lorenzo Weld Hartstonge of Mountjoy-square in the city of Dublin Esquire on behalf of the said Samuel Murray Hussey paid into the said bank to the account and credit aforesaid in discharge of the remainder of the said purchase money of Thirty thousand two hundred and seventy-five pounds do with the assent of the said Edward Arthur Litton John Turnly and Lorenzo Weld Hartstonge testified by their respective signatures hereto Grant unto the said SAMUEL MURRAY HUSSEY the lands of *Aghabeg West Aghabeg Middle and Aghabeg East* containing One thousand three hundred and sixty acres three roods and thirty-four perches statute measure or thereabouts the lands of *Ballinsker* containing One hundred and forty-eight acres one rood and fifteen perches statute measure or thereabouts the lands of *Ballintogher* containing Two hundred and eleven acres two roods and twenty-three perches statute measure or thereabouts the lands of *Rylane Knockmeal and Coolaneely* containing One thousand four hundred and five acres two roods and fifteen perches statute measure or thereabouts all situate in the Barony of *Clonsmaurice* and County of *Kerry* and described in the annexed map with the appurtenances to hold the same unto the said Samuel Murray Hussey his heirs and assigns for ever subject to the several leases and tenancies rights of turbary and other rights in the First Schedule hereto annexed set forth and also subject to the several rights of way and water and other rights and easements set out in the Second Schedule hereunto annexed and also subject as to the said lands of *Ballintogher* to the lay tithe-rentcharge of Two pounds sixteen shillings and six pence charged thereon but indemnified against payment thereof by the lands of *Ballynagh* situate in the Barony of *Irraghticoanor* and County of *Kerry* which have been sold subject to same in exoneration and indemnification of said lands of *Ballintogher*. And I the said Right Honourable HENRY ORMSBY as such judge as aforesaid under the authority and for the consideration aforesaid do also grant unto the said Samuel Murray Hussey all rents which accrued due out of the lands hereby granted under the leases and in respect of the tenancies referred to in the said Schedule since the Tenth day of August One thousand eight hundred and seventy-eight (being the day of the sale of the said land) so far as the same remain due and unpaid. In witness whereof I the said HENRY ORMSBY have hereunto set my hand and the seal of the said Land Judges this Twenty-ninth day of August in the year of Our Lord One thousand eight hundred and seventy-nine.

APPENDIX D.

PAPER handed in by Mr. A. Fitzmaurice, 22nd June 1882.

ESTATE of Captain PHILIP C. NEWTON, County Carlow.

Townland.	Tenant.	Area Statute Measure.	Poor Law Valuation.	Present Rent.	Judicial Rent.	Observations.
		A. R. P.	£. s. d.	£. s. d.	£. s. d.	
Rahanna	Patrick Walsh	46 2 14	22 - -	42 - -	31 10 -	25 per cent. off.
	Ditto - - -	33 0 5	5 - -	16 18 -	10 - -	25 "
	Thomas Doyle	52 0 24	36 10 -	52 - -	43 - -	17½ "
	James Whelan	15 0 31	5 15 -	12 10 -	7 10 -	40 "
	Bridget Doyle	32 1 23	16 5 -	23 16 5	17 10 -	30 "
Cranagh	Bridget Doyle	51 1 32	12 10 -	20 - -	14 - -	30 "
	John Ryan - -	35 3 20	9 5 -	17 9 4	12 - -	30 "
	Pierce Hayden	37 2 1	9 10 -	15 10 -	11 10 -	25 "
	William Hayden	112 0 30	21 - -	50 13 -	33 - -	35½ "
	Michael Whelan	50 1 0	17 15 -	36 5 -	24 - -	35 "
	James Whelan	19 2 19	5 - -	9 7 4	6 10 -	30 "
	Patrick Murphy	54 1 34	16 10 -	38 7 4	25 - -	32½ "
		574 3 23	179 - -	334 17 5	234 10 - 100 7 5	30 per cent. off.

APPENDIX E.

PAPERS handed in by Mr. *Dunwoody*, 22nd June 1882.ESTATE of ROBERT CROOKSHANK, Esq., and others, County *Monaghan*.

Denominations.	Quantity Statute.	Poor Law Valuation.	Old Rent.	Judicial Rent.	Observations.
	A. R. P.	£. s. d.	£. s. d.	£. s. d.	
<i>Ardaghay:</i>					
Francis McAdam -	15 3 35	12 - -	14 14 -	10 15 -	—
Pott Macklin - -	15 1 30	11 10 -	13 7 4	10 - -	—
Asse Clerklin - -	11 3 25	8 5 -	8 13 6	7 10 -	—
		£.	32 14 10	28 5 -	

The above is an old estate, where rents have not been changed for over 50 years.

ESTATE of EDWARD RICHARDSON, Esq., County *Monaghan*.

Denominations.	Quantity Statute.	Poor Law Valuation.	Old Rent.	Judicial Rent.	Observations.
	A. R. P.	£. s. d.	£. s. d.	£. s. d.	
<i>Savagh:</i>					
Margaret Hughes -	10 2 17	12 10 -	15 15 3	10 - -	—
John Todd - - -	18 1 22	19 10 -	23 15 -	18 - -	—
<i>Taravara:</i>					
Arthur Boyland - -	11 3 03	10 10 -	15 4 3	10 10 -	Purchased subject to present rent.
Bernard Boyland - -	22 0 37	*15 10 -	24 15 9	10 - -	—
Francis Boyland - -	14 1 15	12 5 -	15 1 9	12 15 -	Purchased subject to present rent.
<i>Terryhall:</i>					
Thomas Harrison - -	20 1 10	22 10 -	27 - -	18 - -	This tenant held under lease made in 1840 at same rent.
William Harrison - -	9 2 0	9 10 -	11 5 -	8 15 -	—
		£.	100 - -	101 15 -	94 - -

* The Poor Law Valuation in this case forms no standard, as several acres which formerly was turbary have been added to the Holding, and no value put on it in Blue Book.

E. RICHARDSON'S ESTATE.

Number of Tenants - - - - -	41			
	<u>£ s. d.</u>	<u>£ s. d.</u>	<u>£ s. d.</u>	
Gross Rental - - - - -	851 18 -			
Outgoings:				
Head Rents - - - - -		91 5 6		
Quit Rent - - - - -		6 19 6		
Rent Charge - - - - -		95 1 7		
Interest on charge of 1,000 £ due Miss Richardson, 4 per cent. - - - - -		40 - -		
Annuity - - - ditto - - - ditto - - -		40 - -		
Ditto - - - ditto - - - ditto - - -		25 - -		
Interest on 838 £ 9 s. 9 d. due Miss E. Richardson -		41 18 6		
Yearly reductions to tenants - - - - -		36 14 1		
Rent of three Farms, unlet - - - - -		67 2 4½		
Taxes, Poor-rates, &c. - - - - -		20 - -		
Income Tax - - - - -		20 - -		
Beiliff's Salary - - - - -		5 - -		
Agent's Fees - - - - -		42 10 -		
			450 19 6½	
NET RENTAL - - - £.			370 18 3	

JUDGMENT MORTGAGES lately Registered against Lands.

		<u>£. s. d.</u>	
Elizabeth Richardson - - - - -	19 Dec. 1881	424 6 -	
Belfast Bank - - - - -	10 Dec. "	724 5 1	
Richard R. FitzHerbert - - - - -	7 Feb. 1882	209 13 3	
TOTAL - - - £.		1,748 4 4	

Interest on these accumulating.

Mr. Richardson's maintenance yearly - - - - - 205 £ 13 s.

There is also a charge of 70 £ 6 s. 4 d. yearly on the property to the Trustees of his settlement, but this comes back to him, so it need not be counted, and is, in fact, never paid.

ESTATE of HENRY OWEN LEWIS, Esq., in County Monaghan (purchased by his Father in the Landed Estates Court in 1866).

	Quantity Statute.	Peer Law Valuation.	Old Rent, Judicial.	Judicial Rent.	Valuator for Landlord.
Cortahart:	<u>£. s. d.</u>	<u>£. s. d.</u>	<u>£. s. d.</u>	<u>£. s. d.</u>	<u>£. s. d.</u>
Patt Coyle - - - - -	81 1 0	11 5 -	12 19 -	9 19 -	12 14 -
Alice Brines - - - - -	18 1 10	8 15 -	8 5 10	7 19 -	9 12 -
		<u>£.</u>	21 4 10	17 - -	22 0 -

APPENDIX F.

PAPER handed in by the Reverend *Robert Walsh*, 27th June 1882.

Land Sub-Commission Court, Ballyvaughan, County Clare, 13th May 1882.

Messrs. REEVES, Q.C., McCausland, and O'KEEFE, Sub-Commissioners.

ORDERS of SUB-COMMISSION.

Rev. *Robert Walsh*, Landlord.

Tenants' Names.	Former Rent for 29 Years.	Poor Law Valuation.	Judicial Rent.	Value of Tenancy.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.
Martin Geoghagan - - -	12 6 -	9 10 -	9 12 -	30 - -
Michael Geoghagan - - -	17 - -	13 - -	12 - -	50 - -
Michael Burke (Patrick) - - -	16 - -	9 10 -	9 - -	50 - -
Peter McGann - - - -	25 10 -	17 10 -	17 5 -	100 - -
Martin McGann - - - -	14 10 -	8 5 -	9 - -	40 - -
Patrick McGann - - - -	12 - -	7 10 -	8 - -	50 - -
Patrick and Peter McGann - - -	34 - -	22 10 -	22 - -	40 - -
Andrew Finnegan - - - -	21 10 -	16 5 -	15 - -	70 - -
Honoria O'Connor - - - -	17 - -	12 10 -	11 5 -	55 - -
TOTAL - - - £.	170 2 -	116 16 -	114 2 -	495 - -

APPENDIX G.

PAPER handed in by Mr. *Joseph Wright*, 27th June 1882.

STATEMENT of DECISIONS on Estate of *William Henderson, Esq.*, purchased by Trustee in 1871.

Denominations and Tenants' Names.	Quantity Statute.			Poor Law Valuation.	Old Rent.			Judicial Rent.		
	Ac.	R.	P.		£.	s.	d.	£.	s.	d.
Charles O'Neil - - -	12	3	9	9	10	-		14	2	0
Anthony Fitzpatrick - - -	14	3	17	13	10	-		18	-	-
James McEntee - - -	8	2	32	5	15	-		9	10	-
Philip McMahon - - -	8	1	22	5	5	-		7	10	4
Catherine McMahon - - -	15	1	6	14	-	-		17	15	-
	£.				48	-	-	67	4	1
								50	5	-

The tenants admitted on the hearing that no change had been made in rents for about 60 years, and did not claim to have made any improvements. Still the rental as purchased by witness in Landed Estates Court has been reduced one-fourth, as the above decisions show.

APPENDIX B.

PAPER issued to by Mr. H. A. Johnston, 30 June 1912.

Estate of Rev. RICHARD JOHNSON

TABLE of VALUATIONS and PROBATE DUTIES.

NAME.	AGE.	Personal Estate.	Government Valuation.	Valuation of M. O'Brien's Leasing Value.	Valuation of M. O'Brien's Leasing Value.	Valuation of J. C. O'Brien's.	Valuation of Thomas O'Brien's.	Probate Duty.	Valuation of Full Commercial Estate by Revenue's Valuation.
Mary McManus	44 11 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0
Patrick Moran	44 11 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0	£ 10 0 0
Total	88 11 0	£ 20 0 0	£ 20 0 0	£ 20 0 0	£ 20 0 0	£ 20 0 0	£ 20 0 0	£ 20 0 0	£ 20 0 0

APPENDIX I.

PAPER handed in by Mr. S. N. Hutchins, 30th June 1862.

ESTATE of S. N. HUTCHINS.

NAME of Tenant, with Old Rent, Government Valuation, and Judicial Rents.

Tenants' Names.	Old Rents.	Government Valuation.	Judicial Rents.
	£. s. d.	£. s. d.	£. s. d.
Heffernan - - - -	102 - 2	56 10 -	75 - -
Molony - - - -	137 19 2	81 5 -	105 - -
Hedigan - - - -	139 17 10	67 15 -	100 - -
Reardon - - - -	162 6 6	83 - -	125 - -
Began - - - -	316 8 1	170 - -	250 - -
Nunan - - - -	207 19 8	117 5 -	170 - -
O'Brien - - - -	156 13 6	92 - -	115 - -
Jones - - - -	78 4 4	40 15 -	55 - -
TOTALS - - £.	1,294 9 3	708 10 -	995 - -

APPENDIX K.

PAPER handed in by Colonel O'Callaghan, 7 July 1882.

TABLE showing the RENTAL of a Portion of the Estates of Colonel O'Callaghan.

No.	Denominations.	Tenants' Names.	Rental ending 1881 and up to March 1882.	Judicial Rent fixed, June 1882.
			£. s. d.	£. s. d.
1	Ballydonshan - - -	Jedith Balton - - -	10 - -	7 - -
2	Ditto - - -	John Balton - - -	81 - -	21 15 -
3	Ditto - - -	Peter Flanagan - - -	59 10 -	41 10 -
4	Ditto - - -	Patrick Malone - - -	12 - -	7 10 -
5	Ditto - - -	Garrett Stewart - - -	22 - -	14 10 -
6	Ditto - - -	Daniel Callaghan - - -	72 - -	49 - -
7	Ditto - - -	Daniel Neenan - - -	56 - -	28 10 -
8	Ditto - - -	Patrick Malone - - -	40 - -	29 - -
9	Ditto - - -	Patrick Liddy - - -	17 - -	12 - -
10	Ditto - - -	Michael Callaghan - - -	4 - -	2 - -
11	Ditto - - -	Thomas Fahy - - -	27 - -	19 10 -
12	Libbarroon - - -	Michael Halloran - - -	82 10 -	21 10 -
13	Ditto - - -	Henry Morphy - - -	29 5 -	21 - -
14	Ditto - - -	John Halloran - - -	28 - -	23 10 -
15	Ditto - - -	Catherine Kennedy - - -	33 - -	23 10 -
16	Ditto - - -	James Toohy - - -	65 5 6	50 10 -
17	Ditto - - -	Edmond Malone - - -	48 3 6	33 10 -
18	Ditto - - -	Timothy Collins - - -	98 12 3	16 - -
19	Ditto - - -	Daniel Tade and John Toohy - -	69 11 3	44 - -
20	Ditto - - -	Denis Moloney - - -	14 - -	8 - -
21	Ditto - - -	Patrick M'Namara - - -	22 - -	15 - -
22	Knock Brack - - -	John Cadmore - - -	31 - -	25 - -
23	Ditto - - -	Patrick Cadmore - - -	12 - -	7 10 -
24	Ditto - - -	Michael Wall - - -	10 - -	7 - -
25	Ditto - - -	Patrick Toohy - - -	12 - -	0 5 -
26	Ditto - - -	Patrick Keefe - - -	30 - -	19 10 -
27	Ditto - - -	Ellen Wall - - -	24 - -	14 5 -
			£. 815 - 6	552 5 -

	£. s. d.
Old Rental of above - - -	815 - 6
Judicial Rent fixed - - -	552 5 -
Reduction - - -	£. 260 15 0

APPENDIX L.

PAPER handed in by Captain Barton, 7 July 1882.

LIST of Cases on the Estate of Captain *Baptist J. Barton*, heard before the Sub-Commissioners, at *Rameltou*, County *Donegal*, on 13th May 1882, giving Poor Law Valuation, Hamill's Valuation, Nolan's Valuation, Old Rent, and Judicial Rent.

No.	NAME OF TENANT.	Government Valuation.	Hamill's Valuation, 1871.	Nolan's Valuation, 1882.	Old Rent.	Judicial Rent.
		£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.
1	Robert Reid - - -	32 - -	40 10 -	42 16 2	40 6 10	30 10 -
2	Catherine Geeny - -	6 10 -	10 5 -	0 11 2	2 10 -	7 - -
3	Anne Kerr - - -	5 10 -	8 - -	2 12 4	8 15 -	6 5 -
4	Anne Kerr - - -	5 8 -	7 - -	2 2 1	6 10 -	5 - -

Note.—In cases 3, 3, 4, the several valuations do not include the undivided mountain grazing attached to the holdings in the townland, but this grazing is included in the rent.

APPENDIX M.

PAPER handed in by Mr. C. H. Lloyd, 7 July 1882.

CASES in which JUDICIAL RENTS have been Fixed by the Assistant Commissioners on the Estate of *Charles Lloyd, Esq.*, County *Tipperary*.

No.	TENANTS' NAMES.	Government Valuation.	Old Rent.	Judicial Rent.
		£. s. d.	£. s. d.	£. s. d.
1	R. Cantwell - - - -	47 5 -	78 - -	56 - -
2	Fanning - - - - -	36 5 9	58 5 5	42 - -
3	John Ryan - - - - -	18 5 -	27 6 1	18 10 -
4	Mrs. Cantwell - - - -	56 15 -	45 - -	37 - -

APPENDIX N.

PAPERS handed in by Mr. Greer, 7 July 1882.

STATEMENT relating to the Township of *Donaghadee*.

COUNTY TYRONE.

Townland of - - - - - Donaghadee.
 Landlord - - - - - James Sheil, Esq.
 (27 Tenants.)

Purchased in 1846:		£.	s.	d.
The then rental (including a perpetuity rent of 35 l. 8 s.) was	-	728	6	6
The present rental (before reduction)	- - - - -	784	12	-
Total Increase since 1846	- - - - - £.	58	5	6
The Landlord expended since 1846 in improvements	- £.	1,586	10	9
Present gross rental	- - - - -	784	12	-
Deduct perpetuity rent	- - - - -	35	8	-
Gross rents of 26 yearly tenants	- - - - -	749	4	-
Of whom 5 were not reduced, whose rents amount to	-	168	9	2
	£.	580	14	10
Total reduction off rents of the remaining 21 yearly tenants (equivalent to 16 per cent.)	- - - - - } £.	84	5	10

STATEMENT showing Old Debt, Government Valuation, Judicial Debt, and Reductions.

Treasurer's Name.	Credits, Dates.	Present Bank Balance.	Government Valuation about 1855.	Landlord's Debt by Improvements.	Judicial Debt, 1855.	Reductions.	State of Twenty-eight years 1855, and Thence Forth.
	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	
James Anderson	17 0 0	100 -- --	81 -- --	100 10 0	10 -- --	-- -- --	1855 -- -- £ 100.
Rev. Thomas Colclough	10 0 10	85 -- --	10 10 --	10 10 0	10 -- --	0 -- --	
Representatives of William Colclough	11 0 10	10 10 --	10 -- --	10 10 0	10 -- --	0 10 --	
William Thomas Johnston	17 0 0	10 10 0	11 10 --	11 10 0	11 10 0	-- -- --	1855 -- -- £ 100.
John Coomes	10 0 0	10 10 0	10 0 --	10 10 0	10 10 0	-- -- --	1855 -- -- £ 100.
Representatives of James Johnston	10 0 0	10 0 --	10 0 --	10 0 10	10 -- --	0 0 --	
Thomas Mathew	0 0 10	0 10 --	0 10 --	0 10 0	0 10 --	0 -- --	
John Ford	10 0 10	10 0 0	10 10 --	10 10 0	10 -- --	0 0 0	1855 -- -- £ 100.
Charles Dorell	10 0 10	10 10 --	0 10 --	10 10 0	10 10 --	-- -- --	1855 -- -- £ 100.
Representatives of William Johnston	11 0 10	10 -- --	10 0 --	10 0 0	10 -- --	0 -- --	
Rev. James Johnston	10 0 0	10 10 --	10 0 --	10 10 1	10 10 --	0 0 --	
Representatives of Joseph Kay	10 0 0	10 10 0	10 -- --	10 0 0	10 -- --	0 10 0	
Representatives of David Kay	10 1 10	10 0 --	10 10 --	10 10 0	10 10 --	0 10 --	
John Gorton	10 0 10	10 0 --	10 10 --	10 0 0	10 -- --	0 0 --	
Thomas Rogers	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	1855 -- -- Part of holding, yearly rent £. s. d. Purchase -- -- -- 10 10 0
James Wilson, part	10 1 10	10 10 --	10 10 --	10 0 --	10 -- --	0 10 --	
Alexander McQuibbin	10 1 10	10 -- --	10 -- --	10 10 0	10 -- --	0 -- --	
John Johnston	10 0 10	10 0 0	10 -- --	10 10 1	10 0 0	-- -- --	1855 -- -- £ 100.
William Lyons	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	1855 -- -- Part of holding, yearly rent 10 -- 10 Purchase -- -- -- 100 -- --
M. Wilson	10 0 10	10 -- 10	10 -- --	10 10 0	10 10 --	0 10 10	
Robert Wilson	10 1 10	10 0 0	10 -- --	10 0 0	10 10 --	0 10 0	
Michael McCloskey	10 1 10	10 -- --	10 10 --	10 10 10	10 10 --	0 10 --	
Representatives of William Johnston	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	-- -- --	1855 -- -- Part of holding, yearly rent 10 0 -- Purchase -- -- -- 100 -- --
James M. Shaw, part	10 1 10	10 0 --	10 0 --	10 10 0	10 -- --	0 0 --	
Robert McCloskey	10 0 10	10 0 0	10 -- --	10 10 0	10 -- --	0 0 0	1855 -- -- Part of holding, yearly rent 10 -- -- Purchase -- -- -- 100 10 --
Edward O'Neil	10 0 10	10 -- --	10 -- --	10 10 0	10 10 --	0 10 --	
Patrick Donnelly	10 0 10	10 10 --	10 -- --	10 0 0	10 -- --	0 10 --	
John Donnelly	10 0 10	0 0 --	0 -- --	0 0 10	0 10 --	0 10 --	
Charles McCloskey	0 0 10	0 0 --	0 -- --	10 10 --	0 10 --	0 10 --	
	--	100 0 --	100 10 --	100 0 0	100 10 0	10 0 10	

LIST of CASES heard on ALTNACHREE ESTATE at STRABANE, 20th, 21st, and 22nd February 1882.

TENANTS' NAMES.		Ares, Statute Measure.	Old Rent.	Judicial Rent.	
		A. R. P.	£. s. d.	£. s. d.	
1	Patrick Logie - -	31 0 23	25 - -	20 - -	Dismissed.
2	John McGaigle - -	40 1 20	32 - -	1 - -	
3	Andr. Robinson - -	00 0 0	84 - -	84 - -	
4	Andr. Robinson - -	32 0 0	45 - -	- - -	
5	Joseph Smyth - -	14 2 6	23 - -	- - -	
6	A. Cunningham - -	47 3 25	21 - -	19 10 -	- ditto.
7	A. Chambers - -	47 3 20	40 - -	30 - -	- ditto.
8	D. Jack - -	80 1 15	21 12 2	10 10 -	
9	J. Smyth - -	7 5 10	10 7 6	6 - -	
10	William McMenamin - -	31 2 5	9 14 8	6 10 -	
11	Neill McMenamin - -	32 0 0	10 - -	6 10 -	
12	Patrick Quinn - -	56 0 0	20 0 8	13 10 -	Purchased, 1879, at 160 £.
13	James Kerrigan - -	50 5 30	20 6 8	15 5 -	
14	Rodger Quinn - -	81 5 30	33 - -	23 10 -	
15	John Kerrigan - -	106 1 30	30 3 -	22 10 -	
16	John Brown - -	54 0 30	21 3 9	17 - -	
17	Robert McDermott - -	25 1 30	5 7 -	6 12 -	
18	John Kerrigan - -	50 2 25	35 16 -	27 - -	
19	James McCrossan - -	42 1 0	28 12 4	24 - -	
20	James Callaghan - -	57 2 11	35 8 6	23 10 -	
		£.	442 14 3	270 17 -	16 per cent. off, excluding the three cases dismissed.

LIST of CASES heard on ALTNACHREE ESTATE at STRABANE, 20th and 21st April 1882.
Trustees, Ogilley Landlords.

TENANTS' NAMES.		Poor Law Valuation of Land.	Old Rent.	Judicial Rent.	
		£. s. d.	£. s. d.	£. s. d.	
1	William Kennedy - -	29 10 -	42 12 8	30 - -	260 £. paid for part; rent, 16 £. 10 s. 7 d.
2	Andr. Killen - -	26 10 -	39 8 7	30 - -	
3	John Broily - -	7 - -	10 5 7½	7 10 -	
4	William Colohan - -	14 10 -	24 - -	14 - -	
5	John Devine - -	16 - -	21 12 5	10 - -	
6	James Magill - -	5 10 -	8 14 10	6 - -	420 £. paid for tenant-right since originated; notice served.
7	John Rosboro - -	20 - -	30 - -	24 - -	
8	John Mahaffy - -	7 - -	9 10 6	7 10 -	
9	M. Devine - -	15 - -	24 5 8	15 - -	
10	James Devine - -	4 10 -	7 - -	4 10 -	
11	H. O'Neill - -	5 - -	8 1 4	6 10 -	
12	Pat. Muldoon - -	3 15 -	5 - -	3 15 -	
13	John Rosboro - -	5 - -	20 - -	10 - -	
14	Neil Quinn - -	13 - -	21 6 5	14 - -	
15	Edward Quinn - -	25 - -	41 9 2	29 - -	
16	Andr. Robinson - -	25 - -	80 - -	55 - -	
17	Joe Thompson - -	- - -	82 15 4	60 - -	
18	John Pigott - -	23 - -	34 2 5½	24 - -	
19	A. Cunningham - -	25 - -	44 4 -	32 - -	
20	A. McCaskey - -	11 - -	16 12 2	10 10 -	
21	John Craig - -	10 - -	15 15 -	11 10 -	
		£.	537 8 2	389 15 -	30 per cent. off.

APPENDIX O.

PAPERS handed in by Mr. Vere Foster, 18 July 1882.

IRISH FEMALE EXODUS.

EMIGRATION of 10,000 CONNAUGHT GIRLS.

Success of each and every one of the Emigrants.—Emigrant Girls paying the Passages of Brothers and Sisters.—Emigrant Girls helping their Friends at home ever since.—Very few youngsters would remain if they could get means to Emigrate.

Poverty a fixed quantity in Connemara.—Connemara the land of wretchedness and misery.—Assisted Emigration the only remedy for the small Tenants of Connemara.

The Roman Catholic and Protestant Clergy on Emigration.

The Clergy of the County of Donegal on Emigration.

The Clergy of the County of Sligo on Emigration.

The Clergy of the County of Leitrim on Emigration.

The Clergy of the County of Roscommon on Emigration.

The Clergy of the County of Mayo on Emigration.

The Clergy of the County of Galway on Emigration.

The Clergy of the County of Clare on Emigration.

The Clergy of the County of Kerry on Emigration.

Need of Friendly Aid for poor Girls on arrival at American Sea Ports.

APPEAL for FUNDS in Aid of the EMIGRATION of YOUNG MEN and WOMEN of Good Character between Eighteen and Thirty years of Age.

I DESIRE to bespeak the sympathy and active co-operation of societies and individuals on either side of the Atlantic in the relief of poverty in the distressed districts of the West of Ireland by means of assisted emigration to the more prosperous regions of the United States and Canada. I address myself, in the first instance, to America, because of the greater affinities of race, and because of the prosperous condition of the Irish Americans.

During many years, commencing with 1850, I carried out an organised system of emigration, chiefly at my own expense, from Ireland, and from New York to West Canada and some of the Western States, with the co-operation of the Roman Catholic clergy and of other leading citizens of every denomination in the selected districts, including the late lamented President Lincoln, who then resided at Springfield, Illinois. In consequence, first, of the American commercial crisis in 1857, and then of the American Civil War, I suspended my operations. When, however, the normal condition of distress and semi-starvation in the over-populated districts of the West of Ireland became intensified by a succession of adverse seasons and deficient harvests, and Mr. C. S. Parrell crossed the Atlantic nearly two years ago with the avowed intention of soliciting funds to carry on a national agitation on behalf of the tenant-farmers against the landlords of Ireland, I addressed myself to him. I suggested that he should apply his talents and great influence with the people of Irish birth or extraction, on both continents, for the organisation of a scheme of assisted emigration from the smaller Ireland of Europe to the greater Ireland of America on a magnificent scale, such as to put an end to poverty in old Ireland by the transplanting of her superabundant population to the unoccupied fertile lands of the Western States or territories. In support of my appeal, I invited his attention to the following extract from a leading article in the "New York Herald" of 6th January 1880, which reached me as I was closing my letter to him:—

"There is one way in which we can legitimately aid the ambition of Irish peasants to become landowners. We have abundance of fertile soil awaiting the hands of cultivators, far richer land than any in Ireland, which can be bought for a great deal less money. We welcome the suffering Irish to this rich heritage, and will create a fund to defray

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"the expenses of emigration. Those who leave will make better times for those who remain, by relieving the Irish labour market of a surplus. This mode of relief for Ireland is both practical and legitimate, and we commend it to the consideration of Mr. Parnell."

Mr. Parnell simply ridiculed my suggestion, and struck out for himself the path of political agitation which he has since pursued. Meanwhile large amounts were most generously subscribed in America, in Australia, and in Great Britain, for the relief of Irish distress, under the titles of the Duchess of Marlborough's Fund, the Mansion House Fund, and the "New York Herald Fund," and these were most ably administered by the various committees for the relief of temporary distress by the distribution of food, clothing, and seeds. Having failed in my appeal to Mr. Parnell and others, and finding the late Irish Land League and the greater part of the Irish press totally opposed to the idea of assisted emigration, I fell back on my own resources, and determined to carry out alone, to the best of my ability, the suggestion which I had made to Mr. Parnell. I issued circulars to all the National teachers and to all the Roman Catholic clergy of the West of Ireland, stating my intentions, and inviting applications for assistance, which I felt myself able to give, limiting that assistance to the small sum of 2*l.* in reduction of passage money, of poor girls of good character between 18 and 50 years of age, in the hope that the promise of this sum would lead to a local collection of the necessary balance. The consequence has been that I have received applications from nearly every parish priest and Roman Catholic curate in Connacht and Donegal, besides upwards of 100 Protestant ministers; and that I have issued upwards of 10,000 assisted passage tickets, and this without the aid of any advertisements, which I refrained from having recourse to, only lest I should be hopelessly overwhelmed with applications. The number of letters which I have received has been nearly 10,000 on behalf of upwards of 15,000 individuals.

My plan has been, on receipt of the applications and after approval of the candidates, to issue vouchers, value 2*l.* each, in reduction of the price of ocean passage tickets, leaving the persons assisted quite free to proceed by any line of steamers that might best suit their own convenience from any port in Ireland or England to any port in America, the vouchers not being transferable, and being payable by me direct to the steamship companies only at their head office, after receipt of the company's certificates of the embarkation of the passengers, and of their presentation to them of the vouchers before such embarkation.

I have recently addressed a circular to those clergymen from whose parishes the greatest number of girls emigrated, asking tidings of their success in their adopted country, and I have much pleasure in appending hereto extracts from all the letters which I have received, and which are uniformly of a most satisfactory character.

The time is fast approaching when I shall have reached the end of my resources, and, having demonstrated that the desire for assistance is wide-spread, that the clergy of all denominations sympathise with the poorer members of their congregations in that desire, and that the emigration of the poor girls in question has been attended with signal, and almost universal success and contentment, I now desire to enlist the sympathy and active co-operation of societies and individuals, on both sides of the Atlantic, in the providing of funds to pay ocean passages, and in the forwarding of passengers, short of funds and friends, from the sea-ports to temporary homes in the interior of the country. In the absence of any association for the purpose, I would gladly take charge of and administer funds subscribed for the payment of ocean passages, and I hope the conventual communities or lay societies, especially in New York, Philadelphia, Boston, and Montreal, may be generously provided with funds by the Irish and non-Irish American laity for the reception of friendless poor girls, who may be recommended to them by their clergy in Ireland, and for their travelling charges into the interior, where they would receive further temporary assistance from the local clergy and their congregations. Twenty-five dollars is the sum which I desire to raise in aid of each emigrant.

Four-fifths of all the girls to whom I have issued vouchers have succeeded in raising the remainder of their passage-money, and on arrival in America proceeded to join their relatives or friends; but I would wish to reach a still poorer class who cannot pay any part of their passage-money, and who have no Transatlantic friends to receive them. These girls, if they remain in this country, will in most cases marry and rear families here with prospects of poverty, and perhaps destitution; whereas, if they go to America, they may be expected in most cases to marry there, and to rear their families there with a prospect of comfort and independence, besides sending for one or more of their brothers or sisters. This circular is intended as an appeal for help to enable them to do so.

While advocating assisted emigration as a practical measure for relief of poverty arising from over-population in certain districts, I do not intend by any means to infer that I consider such a measure a panacea for the prevailing distress, for I share with numerous writers the opinion that legal transfers of landed and other property should be simplified and cheapened, and that the present laws of entail, primogeniture, and settlement should be absolutely abolished; but above all I desire that the laws regulating inheritance to intestate property should be extended to all property. If this should be done, portions of landed property would, as a rule, be for sale at the death of every proprietor, and thrifty tenants in the neighbourhood would have opportunities of becoming purchasers; thus, in the course of one generation, the number of freehold properties might be increased to such an extent that three-fourths of the population would be owners of land (landlords), instead of being only tenant farmers or hired labourers. A loyal population would

ensue numerous enough to make the practice of intimidation, robbery, and murder a more dangerous game than it has recently been during the abdication by the British Government of their primary duty of protection to life and property; and through security of tenure, more careful cultivation, reclamation of waste lands, and spread of manufactures, the soil of Ireland would be able to contain more than its present population in comfort and independence, instead of in gradations ranging, as now, from excessive wealth and luxury to hopeless poverty and destitution.

(signed) *Vere Foster.*

Belfast, 3 November 1881.

P.S.—All the principal Transatlantic steamship companies having made me the handsome offer of a free passage ticket to and from America, I had engaged my berth, and it was my intention to embark this day, when I received yesterday afternoon a summons, at the instance of Marcus Ward & Co., to appear for cross-examination in a Chancery suit which, after the manner of Chancery, has been pending for upwards of three years, and which is now expected to come on for hearing on some day after the 14th instant. I therefore post, instead of carrying, my circular, and will follow it as soon as possible.

EXTRACTS FROM LETTERS.

County of Donegal.

Dear Sir,

Falcarragh, 11 October 1881.

In reply to your letter inquiring how the girls whom you assisted to emigrate from this parish to America last year succeeded, I am very happy to inform you the reports from all of them were most satisfactory.

(signed) *James M. Fadden, F.R., F.R.*

Dear Sir,

Inver, Donegal, 8 October 1881.

The girls who emigrated from this parish to America, partly by means of the aid given by you, are all doing well. There is no doubt but they would go in crowds if they had assisted passages. The organisation of which you speak is badly needed.

(signed) *F. B. Gallagher, C.A.*

Dear Sir,

Ballyshannon, 6 October 1881.

I have made careful inquiry about them, and have to state that the accounts are good, and that they are all doing well. I have also to state that there are many girls in this parish who are very desirous of emigrating, but who are unable to do so in consequence of not being able to provide the balance which is necessary, in addition to your subscription of £4.

(signed) *David Speece, F.R., F.R.*

My dear Sir,

Kilcar, 30 September 1881.

I am happy to tell you that the girls who have been assisted by you to go to America are doing very well. Many of them have sent money to their people. Some remain who would willingly go if they had the means. Almost all our boys and girls have friends in America who meet them on landing, so they have nothing to fear.

(signed) *Patrick Logue, F.R., F.R.*

Dear Sir,

Charahill, Letterkenny, 30 September 1881.

We have received letters from those young girls who went to America from this part of the country. They give a very gratifying account of their success so far in their adopted country; almost all met their friends upon arriving there. They have expected them. They are, and have reason to be, delighted, having left homes of misery and wretchedness to go to a country where honest industry receives its reward. I have no doubt many are anxious to emigrate had they means. When I ascertain their number I'll be happy to forward their names and co-operate in every way with your benevolent and patriotic purpose.

(signed) *James Kirk, F.R.*

Dear Sir,

Carrig, Raphoe, 12 October 1881.

I have always regarded it as a matter of the first importance that some provision should be made for having our poor innocent girls looked after on their arrival at American ports, and afterwards assisted to obtain suitable situations. Any properly-arranged scheme to this end would have my hearty approval.

(signed) *P. Kelly, F.R.*

Dear Sir,
The accounts from the girls who left this parish for America are on the whole very satisfactory.
Dungloe, 12 October 1881.
(signed) Charles M'Glyn, P.R.

Dear Sir,
I am glad to say that the best accounts are coming from I may say all of them.
Burtisport, Stranorlar, 12 March 1881.
(signed) B. W'alter, P.R.

Dear Sir,
I feel much pleasure in stating that excellent accounts were received from all the girls you assisted to emigrate from this parish. I agree with you in the desirability of an organisation in America for the protection of friendless and unsuspecting Irish girls, and to assist them in securing suitable and remunerative employment.
Coradonagh, 22 October 1881.
(signed) John M'Callagh, P.R.

Dear Sir,
I have made particular inquiry about the girls who emigrated this year, and to whom you gave aid, and I am happy to tell you they have sent the most satisfactory accounts.
Glenties, 1 November 1881.
(signed) Daniel M'Ger, P.R.

County of Sligo.

Dear Sir,
In reply to the Circular, I have to report that excellent accounts are coming from the girls you assisted to emigrate. I agree with you it is most desirable that there should be some trustworthy agency on the other side of the Atlantic to take care of girls on their arrival there. It is strange there is no organisation for the purpose. A great number of girls are prevented by their inability from emigrating.
Collissey, 27 September 1881.
(signed) T. O'Shane, A.M., P.R. (Archdeacon).

Dear Sir,
The girls whom you assisted to emigrate from this locality, with few exceptions, report favourably of their new homes. Many others are inclined to emigrate if they could, and many more would emigrate if there was some provision made for them on landing, to save them from danger, and secure them suitable employment. Such an organisation is worthy of the co-operation of any man who respects the virtue of our Irish girls, and is anxious for their welfare.
Tubbercurry, 23 September 1881.
(signed) M. D. Shuston, P.R. (Canon).

Dear Sir,
I have just returned from Canada. In all cases that I have met, with one exception, the girls are happy and would not come back on any condition. The want of female help is the greatest now in the Dominion. In all Ontario the cry of the people I mixed with was, "Send us as many girls as you can." I have received commissions to send out 250 girls, but I am straitened with means. May I expect a continuance of your grants?
Calry Glebe, 27 October 1881.
(signed) Thomas Henry, Incumbent of Calry.

Dear Sir,
I delayed answering your queries until I had an opportunity of making careful inquiries as to the success of the girls whom you assisted to emigrate. I am happy to be able to inform you now that they are all doing well, and that many of them have sent money to their parents and friends. There are many more girls who would gladly go to America if they had the means. It is indeed very desirable that there should be some organisation to protect young girls during their voyage out, and to assist them on their arrival in procuring situations, or send them on safely to their friends.
Aghsary, 24 October 1881.
(signed) P. Lowry, P.R.

Dear Sir,
I feel much pleasure in stating that as far as I have been able to learn the accounts from the girls whom you assisted to emigrate from this parish have been favourable. Several of them have already sent substantial assistance to their impoverished parents at home.
Templeboy, 21 October 1881.
(signed) Wm. Chigness, P.R.

Dear Sir,
In all cases that have come under my notice, the girls who have lately gone to America from this parish are reported as going on well. I entirely concur in the desirability of making arrangements for looking after poor girls after landing.
Corbally, 22 October 1881.
(signed) J. M. O'Hara, P.R.

Dear Sir,

Rockfield, 21 October 1881.

The accounts from the girls I am happy to state are satisfactory. I fully concur with your view as to the desirability of having some respectable organisation established in America to take care of young girls on their arrival, and to provide suitable employment for them.

(signed) *P. J. McDonald, P.R.*

Dear Sir,

Knockree, 21 October 1881.

Upon close and individual inquiry I find all these poor girls have remitted within the past few months small sums of money varying from 21. 10s. to 5s., and all have promised to send more at Christmas. With regard to the first query, I may tell you I have some experience of American life, and how people do generally succeed there. Individual members of families will still emigrate as before, and many of them may and will succeed here, there and everywhere through the States and elsewhere; but the way I would recommend emigration would be, let some one or more trustworthy persons go out to America, and carefully look around, and select a settlement, get means to erect some abatement at least thereon, and when thus provided, bring out whole families or large numbers of families, and let them settle down in their several lots, build and rebuild, till and grow provisions for themselves for the coming year, and have some means doled out to such as need them whilst the first crop is growing. By this means they and all will be very soon independent, and set an example to others to follow and do likewise, and thus escape poverty, idleness, and enforced privation at home. The Germans thus act; they squat down, build houses, cut out farms, till and improve them, and soon you'll see church, school-house, and shops spring up, as if by magic, and peace and plenty reign around.

Permitting the Irish to flock into the towns and cities of America, they soon get a distaste for rural life, their natural, suitable, and most eligible course, and hence the failure of so many Irish to succeed, whilst other nationalities spread out, prosper and grow.

(signed) *P. Irwin, P.R.*

County of Leitrim.

Dear Sir,

Deerabds, Drumreilly, 27 September 1881.

In reference to the girls who have left my parish for America, I am happy to be able to inform you that there have been invariably good accounts from each and every one of them.

It is certainly much to be desired that some organisation should be established at the ports in America to assist poor friendless girls arriving in that country, and to provide employment for them immediately on their arrival.

(signed) *Thomas Smith, P.R.*

Dear Sir,

East Bars, Enniskillen, 6 October 1881.

The girls aided by you to emigrate are, as far as I could ascertain, going on fairly in the home of their adoption. Very many more would follow them if they could.

(signed) *John Maguire, D.D., V.G.*

Dear Sir,

Upper Drumreilly, Carrigallen, 8 March 1881.

The young girls assisted by you last year are not forgetful of the good you have done them. They are helping friends at home ever since. In their name I thank you.

(signed) *Bernard O'Reilly, P.R.*

My dear Mr. Foster,

Gortliffagh, Drumlish, 29 September 1881.

I am happy to inform you that all the girls who have left this parish by your assistance have, as far as I can learn, gone on well in America. Many of them are assisting their friends at home, and bringing others of their families to that country. It would indeed be very desirable to have some organisation to provide for them in New York.

(signed) *John Conroy, P.R.*

Dear Sir,

Drumshambo, 27 September 1881.

In reply to your communication, I beg to say that very good accounts have come from the girls who have left this parish for America. I believe many more would emigrate if they had the means to do so. I would very much desire to see some organisation set on foot which would look to poor girls who leave this country for America, as many of them are friendless.

(signed) *D. Gray, P.R.*

My dear Sir,

Aughavas, Carrigallen, 26 September 1881.

In reply to your queries, I beg to inform you the accounts from the girls who have left this parish, aided by your kind assistance, are good. There are others here who are desirous of emigrating, but unable to do so, not having means.

I think, as a rule, the emigrants from this country have friends or acquaintances in America in whose kindness they trust. At the same time, I believe it would be most desirable to have an organisation such as you describe, to which they could apply in case of necessity.

(signed) *Wm. W. Brady, P.R.*

Dear Sir,

Carrick-on-Shannon, 2 October 1881.

I may say that the accounts from the girls who went to America through your assistance are in general very satisfactory. Most of them got places very soon, and have sent some small remittances of money to their parents from time to time.

I fully concur that something should be done to protect girls, both on the passage and on their arrival. I am sure there are numbers of girls about here who would be glad to go to America, but cannot provide the balance required besides the £1 you give.

(signed) J. Sheridan, c.c.

Dear Sir,

Carrick-on-Shannon, 21 October 1881.

I am glad to tell you that the girls you assisted to go to America from this parish are going on well. I hear of no complaints from themselves or friends.

(signed) Thomas Fitzgerald, s.p. (Canon).

Dear Mr Foster,

Cloone, 21 October 1881.

I am happy to state that the young girls you assisted to emigrate from this parish are helping their friends at home. I can say the poor girls all succeeded very well. I believe it would be most desirable to have an organisation such as you describe to which they could apply in case of necessity.

(signed) Thomas Cahill, s.p.

County of Roscommon.

Dear Sir,

Tarmacherry, Longford, 4 October 1881.

The accounts from all the girls from this part who emigrated to America and who were assisted by your kindness, are all satisfactory. There are several who have spoken to me who are unable to make up any of their passage. The most in their power would be to get a little clothing, not even what would take them to the port of embarkation.

There is certainly something required to protect young females, especially on landing in America. In most cases they have friends away in the country. We will always require to send out there many of our young people.

(signed) E. White, s.p.

Dear Sir,

Cootehall, Boyle, 23 September 1881.

In reply to the questions asked in your printed circular, I beg to state that no unfavourable accounts have come from the girls assisted by you to emigrate to America. I am satisfied that all have been benefited by going there.

I concur in the desirability of some such organisation being formed as that suggested in the circulars for the case of friendless Irish girls. Very few, if any, leave this parish without knowing where to go. I should think it my duty to discourage, for many reasons, and, if I could, to prevent, young women from going to the States of America without a moral certainty of their being taken care of by some friend or relative immediately on their landing.

(signed) Charles O'Malley, c.c.

Dear Sir,

Loughlynn, 3 October 1881.

In reply to your circular, I beg to say that there have been accounts received from the girls who emigrated to America, which stated that they have been successful in getting into good situations.

(signed) J. M. Dermott, s.p.

Dear Sir,

Athleague, 7 October 1881.

In reply to the queries in your circular, I have made inquiries, and have got no bad accounts from any of the girls you assisted to emigrate from this parish. As far as I can learn, they all seem grateful for the help received, and some of them have sent home small sums of money, with a promise to send home more shortly.

(signed) James Casey, s.p.

Dear Sir,

Ballindoon, Boyle, 7 October 1881.

All those who were able to emigrate through your assistance from this locality have sent back most favourable accounts of the country.

(signed) G. J. Cogle, c.c.

Dear Sir,

Dangan, Drogheda, 23 September 1881.

In reply to your favour, I beg to state that the accounts from the girls who were enabled by your aid to emigrate from this parish to America are satisfactory. The enclosed vouchers which you so kindly forwarded have remained on my hands, from the fact that the girls were unable to procure the additional cost. More of them, I am sure, are held by the girls in whose names they were given. Some of those who left have paid the passage of other sisters.

(signed) T. Bambrick, c.c.

Dear Sir,

Fairymount, 1 November 1881.

I am happy to be able to inform you that satisfactory accounts have been received from the females who, assisted by your aid, have left this parish for America.

(signed) James Hanly, s.p.

County of Mayo.

My dear Sir,

Knock, Ballyhaunis, 1 October 1881.

In reply to your letter, I have to state that the accounts of the emigrants who went from this parish are very satisfactory and gratifying. There is not the least doubt but what you state relative to the formation of some organisation for poor emigrants landing on the shores of America is a matter of the greatest importance. It would prove a great boon and inestimable blessing to those innocent Irish girls who never left home previously, and who know so little of the wicked ways of the world. Whenever there is a failure of crops there is always extreme misery and starvation in these large villages, where land is inferior and the quantity in the hands of each very small.

(signed) B. A. Carragh, P.R. (Archdeacon).

Dear Sir,

Ballyhaunis, 20 September 1881.

In reply to your favour of hand this morning, I beg to say that, so far as fall under my observation, the girls who left this parish, and were assisted by you, have sent cheering accounts, with small remittances of, say, from 2l. to 3l. to their parents; very many, even of the girls who left in early spring this year, sent small remittances.

Out of every 30 girls who left this parish for America, 10 went to join their uncles or aunts, and other near and dear relatives, in the "Land of the West," so that for them an organisation of charitable and influential persons able and willing to direct and protect friendless and poor girls is not necessary, though such a body might be useful. I knew not any small farmer or workman here who has not dear and near friends in America, and these in very many instances improve their poor relations to join them.

The crops are fair, the potato crop splendid, and hence I think there will not exist the same burning desire for emigration as during the past three years; however, there will be a good number leaving if they can provide the necessary cost. Boys easily get the means, but girls have greater difficulties in putting the cost together.

(signed) James Walbran, P.R. (Canon).

Dear Sir,

Bekan, Ballyhaunis, 24 September 1881.

I am happy to inform you that I have received very cheering reports from the girls who left this parish by means of the aid given by you. There are a few from whom I have not heard directly. I have, however, got some information about them from other parties, and was glad to learn that they too are doing fairly.

(signed) Peter Goughy, P.R. (Canon).

My dear Sir,

Swineford, 24 September 1881.

In reply to your several queries I beg to state:

The girls who, aided by you, went to America from my parish are, so far, doing well, and assisting their poor relatives at home, together with paying the passages of others out.

I am quite certain, that many, very many, boys and girls are desirous of emigrating, but are prevented by want of means, and I fully concur with you that immense benefits would be conferred on poor emigrants who are friendless in America if the clergy, conventual communities, or others, would, at the ports of arrival and in the interior of the country, provide safe and lucrative employment for them.

Many parts of the West of Ireland are overcrowded. Either migration or emigration is certainly needed, and, as migration is very impracticable, I am of opinion that many small and poor farmers would gladly emigrate if they had favourable prospects in other countries.

(signed) M. Finn, P.R. (Canon).

Dear Mr. Foster,

Clasmerria, 27 September 1881.

The accounts which have come from the girls of this parish who have emigrated are very favourable. Some have sent money home to their parents and relatives.

There are still a good many girls anxious to go, and most of these are of the farmer class, young and nicely educated. Some are unable to go on account of not having enough of means.

A society such as that spoken of has been already considered by priests and religious in America. It would be well if you would write to Cardinal McCloskey on the subject, and give your views to some influential American journals.

(signed) U. J. Bourke, P.R. (Canon).

Dear Sir,

Kiltimagh, 1 October 1881.

In reply to your circular about the girls who have emigrated from this parish, I have to say that the accounts I have received from them hitherto are very flattering. There are a large number of girls yet, I am sorry to say, in this parish who would emigrate if they only had the means.

(signed) M. Leonard, P.R.

Dear Sir,

Ardagh, Ballina, 28 September 1881.

In reply to your circular, I have to inform you that the accounts received from the girls who left this parish for America were very favourable. Some places of reception for the poor girls who have no friends to receive them when they arrive there would be very necessary, and I think the Catholic Bishops of Ireland and America would be the persons to provide such places.

(signed) Peter P. Keane, P.R.

Dear Mr. Foster,

The girls who have gone to America from this parish, assisted by you, have all written home satisfactory accounts, and a considerable number of them have already sent remittances in money to their destitute friends at home. Two girls only that I am aware of have failed to emigrate (after receiving your vouchers) owing to insufficient means to procure the scantiest outfit and pay expenses to the nearest port of embarkation. I have known several girls, however, who, after having had prepaid passages sent to them from America, were unable to leave home this year, and will be obliged to seek an extension of time from the Ship Companies in order to enable themselves to procure the little requisites necessary.

(signed) P. Conway, P.P.

Dear Mr. Foster,

I am delighted to be able to inform you that the accounts that have come from the few girls that you have so kindly assisted to emigrate from my parish to America are very good indeed. I am aware that other girls (I cannot say how many) would emigrate if their passages were paid along with their expenses, and if they were certain that by going they would better their condition and prospects in life. Nothing would afford me more pleasure than to hear that an organisation approved of by the clergy should be set on foot to provide for the protection of friendless females in America.

(signed) Patrick P. Boland, P.P.

Dear Sir,

The girls who have gone to America from this parish are doing very well. They had friends before them, and got employment at once, and many have sent home a deal of money and passages to their brothers and sisters.

It would be a great matter to have a "Home" for the girls in New York and other ports on landing till their friends would call for them, or until they could look out for employment, &c. Owing to their inexperience in travelling, &c., they are often at a loss how to act, and how to avoid danger.

(signed) Hugh Conway, C.C.

Dear Sir,

You will be glad to hear that the girls you assisted last year from this parish are going on very well in America. They do not forget their friends, and send them money occasionally.

(signed) D. O'Hara, C.C.

Dear Sir,

So far as I can ascertain, the accounts from the girls referred to are favourable. They got into employment on their arrival in America, and in some instances sent home part of their earnings to assist their relatives to emigrate, and also to help the old people at home.

(signed) Samuel Johnson, Clerk
(Incumbent of Harriehod).

Dear Sir,

I feel pleasure in informing you that the girls, partially aided by you, who emigrated from this parish to America have succeeded and are doing well.

(signed) Edward Gibbons, P.P., V.P.

Dear Sir,

I am glad to be able to tell you that they were all very successful, and some of them have sent home small remittances to their parents.

(signed) Thomas Judge, P.P.

County of Galway.

Dear Sir,

In reference to your circular, I beg to inform you that the girls who were enabled to go to America, owing to your aid, have sent, without a single exception, a very favourable account to their friends. They are all earning very fair wages, and seem very happy. I believe many more young girls from this parish would avail themselves of the assistance you are kindly giving if they were able to provide the remainder, but they are not able.

(signed) Martin Mellet, C.C.

My dear Sir,

I am glad to inform you that most of the girls assisted by you to emigrate, so far as I could ascertain, have been fairly successful in America. A society for their protection on landing would be a great boon and blessing to those poor girls who have never been 10 miles from home. I think it should not be difficult to establish such a humane society. All that is required is some one of influence to take it up in New York or Boston. If the small tenantry of Connemara had the land for nothing they could not live. The holdings are so small, the land so sterile, that these people will be always steeped in poverty.

(signed) Patrick Grady, P.P., V.P.

Dear Sir,

As you wish to learn from me how those girls you helped to emigrate to America are going on, I take leave to say that they are all going on well; all have got places, and they had friends in America to look after them. There are a good many poor families here who would wish to emigrate if they had means to do so. Father Nugent of Liverpool took out a great many families from this district to Minnesota. He aided me much in the last distressed year.

Spiddal, 22 September 1881.

(signed) Patrick Lyons, P.P. (Casson).

Dear Sir,

Rossmuck, Galway, 21 September 1881.

I understand these girls are getting on very well in America. I fully concur with your views of getting up an organisation by the clergy in America for the protection and direction of those Irish girls who are not able to provide for themselves.

(signed) James J. Kane, P.P.

Sir,

Cliffden, 22 September 1881.

In reply to your circular, I beg to state that the accounts from the poor girls who left this parish this year are satisfactory, that is, they are in good health and well pleased with their employment. There are a few of whom nothing has been heard since they left. There are several girls here who are anxious to go to America but have no means. I know five or six, some of whom I could recommend as first-class servants for any house, who have friends in America, and are most anxious to go, but have not the means. They have spoken to me for aid within the last week.

As regards the prospects here, poverty is a fixed quantity, for Connemara is *siccat erat in principio et nunc et semper et in aeternum*, the land of wretchedness and misery.

(signed) Bernard M'Dermott, C.C.

Dear Sir,

Tolly, Letterfrack, 23 September 1881.

In reply to the queries in your circular, I wish to say that, as regards the girls who emigrated from this parish, they are going on well, and give very satisfactory accounts of the country. Some of them have even sent money twice to their friends here in a very short time.

(signed) Michael O'Connell, C.C.

My dear Sir,

Moyvallen, 21 September 1881.

In reply to your circular received to day, I beg to inform you that the accounts received by me from the young men and women who left here for America this year are very favourable and encouraging. They all speak well of the country and of the wages they are receiving. They have had relatives there to look after them, by whom their passages were paid in most instances. In fact, most of the emigrants from this parish went to live with their families, who had gone many years before them, or together with them.

(signed) P. Keay, P.P.

Dear Sir,

Mount Bellow, 20 September 1881.

In reply to your circular. The accounts from America of those who have left for the past few years contain in very many cases sorrowful regrets of having ever left the country. Many of those servant girls would prefer 10s. a quarter here to the reported high wages in America.

Every well-meaning, right-minded man must desire, and the accounts to hand do strongly advise, the necessity of some such organisation as you speak of for the protection, social and moral, of our poor, innocent, unsuspecting Irish girls.

(signed) Thomas Rossney, P.P.

Dear Sir,

Oranmore, 3 October 1881.

I went off, with your help, a batch of eight girls last summer to America. Seven of these wrote to say they were doing well; the other, I understand, is doing well too. These girls have sent home money, one as much as ten pounds; another paid her father's passage, and sent money home besides.

(signed) Roderick Quinn, P.P.

Dear Sir,

Cumber, Cong, 24 September 1881.

Good accounts have come from most of the girls assisted by you to emigrate. There are others anxious to emigrate who find it difficult, or impossible, to make out the necessary complement. All have friends somewhere in America whom they would be anxious to join.

(signed) W. Conroy, C.C.

Dear Sir,

Oughterard, 25 February 1881.

Very few youngsters would remain in this country if they had only the means to leave it. I got several letters from the parties who went away last year. They say they are all happy and doing well.

(signed) R. M'Donogh, P.P.

Dear Sir,

Dunmore, 12 October 1881.

The accounts from America from the girls who have been assisted by you are on the whole favourable. All of them assist their poor friends at home—some more, some less. I have no doubt there are some anxious to emigrate but who cannot for want of funds; and this is true of boys and girls. Most of those who emigrate from this parish have friends in some part of America.

It would be most desirable to have some such organisation as that referred to in your second paragraph.

(signed) James Stephens, C.C.

Dear Sir,

I am glad to say that those girls from this parish whose passage to America you assisted to pay are going as well. Many of them have sent home money to their friends more than once. The organisation you refer to is very desirable.

(signed) Peter Goughly, P.R.

Dear Sir,

Encouraging communications are received here every other week from those who have already gone.

(signed) Patrick M'Mann, P.R. (Dean of Tuam).

My dear Sir,

But I say with all the energy of my existence, let the people leave in any, and in every way that may take them, out of the slough of poverty and misery in which they are at present sunk.

(signed) Patrick Greely, P.R.

County of Clare.

My Dear Sir,

I am extremely obliged for your attention at all times to my applications in behalf of distressed young women who were anxious to emigrate. I have made inquiries, and found that they fared very well after landing. I hope to have the pleasure of giving you a fuller account in detail hereafter.

(signed) M. Dinan, P.R., &c.

Dear Sir,

I beg leave to inform you that the accounts received from the few girls who emigrated from this parish in the course of the year are most favourable. All have remunerative employment. They seem to be contented and satisfied.

(signed) John Chase, P.R.

My dear Mr. Foster,

In reply to yours of last week asking information about the females assisted by you to emigrate, I am very glad to inform you that they succeeded very well, and are quite happy and contented.

(signed) Peter Murphy, P.R.

Dear Mr. Foster,

You will be glad to hear that the girls who left this parish for the last two years, and they were many, have succeeded well. I wish something could be done for our poor people at the other side. Too many of them remain in towns.

(signed) J. Vaughan, P.R.

Dear Sir,

I have much pleasure in stating, in reply to your circular, that all the girls who were enabled, through you, to emigrate to America are doing well there, and are already beginning to assist their friends at home.

I fully agree with you as to the desirability of some organised form of protection for Irish girls when they land in America, and I should be most happy to co-operate with any association formed for the purpose.

(signed) C. Short, C.R.

Dear Sir,

I was waiting to see the parents of those girls who availed themselves of the assisted emigration in order to be in a position to give you the desired information. I have learned with pleasure that these girls are doing well, that they had no difficulty in getting places on their arrival in America. Such an organisation as you refer to would be most desirable. It is somewhat strange that steps have not been taken in that direction up to this. However, there is hardly a family of the middle or very poor classes in Ireland at present that has not sent one or more of its members to America, so that intending emigrants, as a rule, will have some near relatives or friends to go to.

(signed) Richard Newell, C.R.

Dear Sir,

The accounts received from the poor girls of this parish whom you assisted to emigrate are satisfactory. Through their friends there they got immediate employment and are doing well.

(signed) Thomas Newell, P.R.

County of Kerry.

Dear Sir,

I have been much gratified since I came to this parish from time to time to hear of the success of one or other of those poor girls; it is very likely in most of those cases that whole families will be taken away from this miserable district through means of your well directed, though moderate donations. I shall feel most happy at all times to co-operate with you in any work of emigration or education.

(signed) *John O'Sullivan, r.f.*

Portmagee, 5 October 1881.

My dear Sir,
I had letters from the girls who went to America on the strength of your assisted passages. They spoke well of it and felt happy. I don't think the poor of this place would like to leave their country in a body.

(signed) *D. Foley, r.f.*

Dear Sir,

The Reverend Canon Brennan was preparing to leave home when he received your circular, and not having time to reply to it has asked me to do so. The accounts that have been received from girls who have been enabled to emigrate by your assistance are generally satisfactory. There are still many servant girls in the district desirous of emigrating who would need assistance to do so.

(signed) *Charles Brennan.*

Cahirdaniel, 10 October 1881.

Dear Sir,
There are good accounts from the girls in America assisted by you from this parish. An organisation for girls such as you desire in America would be highly proper if it could be got to work well.

(signed) *Denis F. O'Sullivan, r.f.*

Dear Mr. Foster,

Waterville, 11 October 1881.

With thanks and gratitude on the part of the young women. I am happy to announce to you the unexceptional success of every one. The best accounts come from our poor girls. It would be well indeed that some measures were taken to aid the poor green emigrant landing on the American shore. Religion will do it. Ask the priests and nuns in America by circular to do it, and they will.

(signed) *Michael O'Reilly, r.f.*

Dear Sir,

Killarney, 29 September 1881.

I have much pleasure in stating, in reply to your circular inquiring about the female emigrants from this parish assisted by you, that I have personally heard from some, and have heard from the parents of others, in every case good accounts. Those whom I sent to Canada have been much pleased (contrary to their expectations) with that country, and all found remunerative employment on landing. Neither parent nor friend has said a word to me to cause me to regret that I interested myself in the matter. These remarks apply to about 25 sent out.

(signed) *G. R. Wynne, Rector of Killarney.*

Dear Sir,

Castlegregory, 24 October 1881.

As far as I have been able to ascertain, the girls who have been assisted by you to emigrate from this parish have obtained employment and ordinary success. An organisation such as you speak of for the protection of the emigrants after landing in America, is of the most vital consequence for the spiritual and temporal interests of our innocent boys and girls, and will now I trust be established by the faithful and generous of our race in the Great Republic.

(signed) *Cornelius McCarthy, c.s.*County of Cork.

Dear Sir,

Castletown, Bere, 4 November 1881.

The accounts that have been all along received from the girls of this parish, whom you assisted to emigrate to America last year, are both satisfactory and cheering; what I said in one of my letters to you some time last spring, "all without a single exception, are doing remarkably well," is still true, judging both from their letters and from the more substantial proof which they have given in the way of assistance to friends.

All have remitted money, some several times, some have paid the passages of brothers and sisters, who are now with them; and others, who had no relations here, have sent for those young women who had been their companions at home.

In no instance have I heard that any of those young women has not gone on well, or that her emigration has been a failure.

(signed) *John O'Connell, c.s.*

(B.)

LIST of GIRLS over 18 and under 30 Years of Age recommended as needing Assistance to enable them to Emigrate to America.

Passages not Prepaid, and not able to Emigrate without Assistance from Mr. Foster.

NAME.	Age.	Townland.	Parish.

I certify that the above particulars are correct.

Signed _____ { Parish Priest, Rector,
or Curate.

Date _____

(C.)

ASSISTED EMIGRATION.

No. _____

I agree and promise to pay Two Pounds towards the cost of Passage of the Bearer

this amount to be paid on demand direct to the steamship company in whose vessel she shall have embarked, on the receipt of their certificate of her embarkation for America within three months from this date.

Belfast _____ 1882.

APPENDIX P.

PAPER handed in by Mr. Kennedy, 30 June 1882.

TENANTS who have served ORIGINATING NOTICES to fix FAIR RENTS.

Number or Hectal.	TENANTS.	Area in Statute Measure.	Area in Irish Acres.	Present Rent.	Poor Law Valuation.	Judicial Rent.
		A. R. P.	A. R. P.	£. s. d.	£. s. d.	£. s. d.
2	Patrick Lalor - - -	8 0 38	2 0 22	10 - -	7 8 10	10 - -
8031 A.	Denis Woods - - -	8 2 23	2 1 27	17 18 -	10 - -	18 - -
4 & 4 A.	Roger McNamara - - -	8 0 38	2 0 23	19 14 -	8 - -	2 - -
5 to 5 A.	James Clanchy - - -	8 0 38	2 0 22	10 4 -	0 - -	11 - -
7 A.	Patrick Lalor - - -	1 1 2	0 3 4	4 18 10	4 15 -	5 12 -
8 & 8 A.	James Hagan - - -	8 0 18	1 3 20	12 12 2	7 - -	8 10 -
9	Patrick Ryan - - -	8 0 34	1 3 57	12 12 2	8 15 -	9 - -
10 & 10 A.	Mary Cussen - - -	5 2 27	8 1 14	24 5 2	11 5 -	18 10 -
11 & 11 C.	Bridget Quilligan - - -	11 1 14	0 1 8	48 18 10	16 - -	53 - -
12	Margaret Quohy - - -	1 0 34	0 8 12	4 12 -	8 - -	5 10 -
17	Johnna Bourke - - -	1 2 19	1 0 0	7 9 8	3 15 -	5 - -
12	William Power - - -	1 0 34	0 3 0	5 12 8	8 5 -	4 5 -
20	John Walsh - - -	1 0 0	0 2 24	4 10 -	2 10 -	3 10 -
21 & 21 A.	John Ryan - - -	2 2 10	1 2 17	14 1 4	5 15 -	10 5 -
22	Patrick McNamara - - -	2 1 28	1 1 29	9 - -	4 5 -	6 10 -
23	John Moore (Ned) - - -	1 2 12	1 0 0	8 - -	2 15 -	5 14 -
24 & 24 A.	John Moore (Joseph) - - -	8 2 23	2 1 1	29 19 -	0 10 -	14 - -
25	Patrick Quilligan; Rep. of Anthony Ryan.	1 3 14	1 0 21	8 10 -	4 5 -	4 10 -
28	James Quilligan - - -	1 0 2	0 2 20	8 - -	3 15 -	4 5 -
29	Patrick Kirby - - -	1 2 8	0 3 33	3 - 4	5 - -	8 5 -
30	Patrick Cuneso - - -	2 2 12	1 2 12	12 15 -	0 15 -	9 5 -
32	Daniel Murphy - - -	1 2 12	1 0 0	2 8 8	8 - -	8 10 -
33	James McMahon - - -	0 3 8	0 1 32	4 0 -	3 15 -	8 5 -
34 & 34 A.	James Hanneen - - -	4 0 8	9 2 0	21 5 -	2 10 -	14 10 -
36 & 37.	Patrick Bourke - - -	2 2 18	1 2 18	15 15 -	4 10 -	10 10 -
38	Johanna Derany - - -	1 0 34	0 2 32	8 - -	2 15 -	4 - -
39	Michael McMahon - - -	4 0 2	2 1 38	15 5 -	6 15 -	12 18 -
40	Thomas Clancy - - -	1 2 12	1 0 0	8 4 -	0 10 -	8 - -
41 & 41 A.	Bridget Shanny - - -	1 2 10	1 0 0	8 2 8	5 5 -	5 15 -
43 & 43 A.	James McMahon - - -	8 3 2	2 0 31	13 - -	9 5 -	10 - -
13 & 36	Michael Cross - - -	4 0 17	2 2 6	14 19 -	4 15 -	11 10 -
10	Patrick Quilligan - - -	5 1 24	3 1 14	24 2 1	11 - -	18 10 -
Part of 44.	Thomas McMahon - - -	1 2 12	1 0 0	7 14 -	7 12 2	0 - -
Part of 44.	Michael Hickey - - -	2 0 2	1 0 53	5 - -	2 5 -	9 10 -
45	Patrick Mullaly - - -	1 1 0	0 3 4	0 - 4	4 10 -	4 10 -
	TOTAL - - -	25 8 8	58 8 32	425 19 7	312 12 -	504 17 -

TENANTS who have not served ORIGINATING NOTICES.

0	Widow Mary Purcell - - -	0 8 12	0 2 18	3 12 2	- - -	48 7 -†
14 & 14 C.	William Ryan - - -	3 0 22	2 0 27	17 2 -	18 10 -	
15	Widow Margaret Ryan - - -	8 0 30	1 8 35	15 15 11	8 10 -	
18	Widow Margaret Mathew - - -	0 8 1	0 1 34	2 10 10	2 5 -	
27 & 27 A.	John Gallagher - - -	1 0 10	0 2 24	7 8 10	- - -	
28	Michael Shaugnessy - - -	0 2 20	0 1 21	2 10 -	2 10 -	- - -
31	John Cussen; Rep. of Thomas Fitzgibbon. - - -	1 0 28	0 2 25	3 18 4	- - -	
42	Widow Johanna Cross - - -	0 2 33	0 1 31	8 15 4	2 5 -	- - -
	TOTAL - - -	106 17 11	67 1 15	486 18 -	242 12 -	348 4 -

* The judicial rent in this case is not yet fixed. I have filled in a sum calculated on an average of the cases that are decided.

† The judicial rent in all these cases is calculated on an average of those decided in previous list.

APPENDIX Q.

PAPERS handed in by Mr. Tate, 21 July 1882.

CLIFDEN UNION.

TOWNSHIPS.	Population in 1871.	Poor Law Valuation.	Number of Families.	
			If Five in Family.	If Six in Family.
		£. s. d.		
Arllebrook - - - - -	314	141 11 -	69	82
Banowenbeg - - - - -	271	120 - -	54	46
Dolan - - - - -	214	72 15 -	48	36
Doohulla - - - - -	284	93 - -	47	39
Emagharna - - - - -	137	63 - -	27	23
Fuorglass - - - - -	128	48 15 -	* 29	24
Galloweenish - - - - -	205	88 - -	41	34
Dooyaher - - - - -	200	113 - -	55	46
Ervaillagh - - - - -	304	143 4 -	61	51
Kilkerrin - - - - -	586	203 13 -	119	99
Lehenagh - - - - -	233	81 7 -	47	39
Letterard - - - - -	392	136 - -	78	65
Ranbecnamanagh - - - - -	413	110 - -	83	† 69
Finisk Island - - - - -	154	32 - -	27	22
Inishmee - - - - -	409	180 - -	82	† 68
Anghrisbeg - - - - -	241	80 - -	48	40
Anghrismore - - - - -	303	101 3 -	30	50
Belleek - - - - -	156	69 - -	31	26
Cloddaghduff - - - - -	196	48 - -	39	33
Gannoughs - - - - -	239	64 5 -	48	40
Roeilann - - - - -	38	8 - -	8	6
Rossadilisk - - - - -	223	34 12 -	44	† 37
Inistak - - - - -	93	43 - -	18	15
Starrakeen - - - - -	112	25 - -	22	† 19
Turbot Island - - - - -	160	50 13 -	32	27
	6,024	2,166 4 -	1,209	1,004

* 7 s. per head.

† About 2 l. per family.

COUNTY OF MAYO.—ROSDOAGH HOLDINGS.

	—	Griffiths' Valuation.	Rental.	Number in Family.	Potatoes.	Oats.	Cows.	Pigs.	Cattle.	Roots.	Sheep & other
	A. R. P.	£. s. d.	£. s. d.		Barrel.	Sacks.				Yrs.	£.
1	2 0 0	2 5 -	4 2 0	3	4	1	1	2	1 ass -	3	4
2	1 2 0	1 5 -	2 10 -	4	2	1	1	2	1 ass -	3	10
3	2 0 0	1 5 -	2 10 -	5	5	1	3	1	6 sheep -	3	8
4	4 0 0	3 5 -	7 - -	0	2	1	1	-	1 ass -	5	20
5	2 0 0	1 10 -	5 10 -	8	2	1	2	-	1 ass and 2 sheep.	3	20
6	2 0 0	2 - -	3 12 6	9	2	-	1	-	1 ass -	2	12
7	2 0 0	1 5 -	2 5 -	7	2	1	1	1	- - -	3	-
8	2 0 0	1 - -	2 - -	6	2	1	1	1	1 ass -	3	14
9	2 0 0	- 15 -	1 - -	5	2	1	3	1	2 sheep -	3	0
10	3 2 0	2 5 -	4 7 0	9	4	2	-	-	4 sheep, 1 horse.	3	60 a dealer.
11	1 0 0	- 10 -	1 - -	1	-	-	-	-	- - -	3	-
12	2 0 0	1 5 -	2 5 -	8	3	1	2	-	2 sheep -	4	15
13	2 0 0	2 - -	3 - -	10	2	-	-	2 boonies.	- - -	4	10
14	2 0 0	2 - -	4 2 -	9	-	-	1	-	- - -	7	20
15	2 0 0	1 5 -	2 12 6	7	2	1	1	-	- - -	5	30
16	2 0 0	1 5 -	4 10 -	10	1½	1	1	1	1 ass -	5	14
17	1 2 0	1 10 -	3 - -	3	2	1	2	-	- - -	4	17
18	3 0 0	2 15 -	5 - -	4	3	1	1	1	1 male -	3	0
19	1 2 0	1 10 -	3 - -	7	2	1	-	1	1 ass -	4	20
20	3 0 0	2 - -	4 5 -	8	2	1	-	-	- - -	4	25
21	3 0 0	2 - -	4 6 8	5	-	-	-	-	- - -	5	30
22	2 0 0	1 5 -	4 0 -	6	2	1	1	-	2 sheep -	5	30
23	2 2 0	1 10 -	5 13 -	6	2	1	1	-	- - -	4	25
24	1 0 0	- 15 -	1 17 6	1	1	1	-	-	1 ass -	4	13
25	2 0 0	1 - -	3 - -	7	4	-	1	-	- - -	4	10
26	2 0 0	1 10 -	1 5 -	1	-	-	-	-	- - -	5	No treat.
27	2 0 0	1 10 -	1 5 -	7	5	1	1	1	6 sheep -	5	2
	57 0 0	45 15 -	55 6 8	100	50*	50†	27‡	14	22 sheep, 1 horse, 10 cows, 1 male.	£ 238	£ 361
											£ 714.

* Thirty-four tons.

† Ten tons.

‡ Cows and calves.

APPENDIX R.

COPY OF CORRESPONDENCE.

The Clerk of the Select Committee to the Honourable Mr. Justice O'Hagan.

My Lord,

House of Lords, 20 May 1882.

I AM desired by the Select Committee on Land Law (Ireland) to inform you that it is their Lordships' wish to examine the Sub-Commissioners whose names are mentioned in the enclosed list, or some of them; and I am requested to ask you if you can inform the Committee when their attendance would interfere least with the performance of their duties. The Committee does not propose to sit again for the next three weeks.

I am, &c.

(signed) E. Theiger,
Committee Clerk.

The Honourable Mr. Justice O'Hagan.

P.S.—Since writing the above, the Committee have fixed their next meetings for Tuesday and Thursday, 13th June and 15th June, and they desire me to request you to let me know, *with as little delay as possible*, the names of four Sub-Commissioners, two of whom respectively could attend on the days I have mentioned.

List of Assistant Commissioners (enclosed).

- | | |
|---------------------|---------------------|
| 1. H. B. Morrison. | 5. E. Greer. |
| 2. J. G. MacCarthy. | 6. J. M. Ross. |
| 3. Richard Garland. | 7. Ulick Bourke. |
| 4. John M. Weir. | 8. Seymour Mowbray. |

Mr. Denis Godley to the Clerk of the Select Committee.

Irish Land Commission, Dublin,
24 May 1882.

Sir,

I AM directed by the Irish Land Commissioners to acknowledge the receipt of your letter of the 20th instant, addressed to Mr. Justice O'Hagan, in which you inform him that it is the wish of the Select Committee of the House of Lords on the Land Law (Ireland) Act to examine some of the Assistant Commissioners who hold office under the provisions of the Act, and I am to request that you will have the goodness to lay the following statement in reply to that letter before the Committee.

The Assistant Commissioners form sixteen Sub-Commissions. They are engaged daily in the task of deciding upon applications to fix fair rents within their respective districts, and, as their Lordships are aware, an enormous number of cases of that class are now awaiting trial. Any delay not absolutely unavoidable in hearing these cases would have the effect of creating much discontent amongst the multitude of applicants, and it is therefore of the greatest consequence that none should take place.

In the opinion of the Commissioners it is of paramount importance that the Assistant Commissioners should continue to devote themselves assiduously and without interruption to the performance of their functions. They are engaged every day either in hearing evidence in Court, or in the inspection of farms, and the legal Assistant Commissioners, if they do not join in the latter work, must supervise the making of Orders and Minutes, and prepare Reports for the information of the Commissioners.

The Land Commissioners feel that it would be at present impossible to withdraw any of the Assistant Commissioners from these duties without occasioning an amount of delay and embarrassment which would be highly detrimental to the public service.

The Commissioners felt it incumbent on them, though at considerable inconvenience, to present themselves before the Committee when so requested, and they and the officers of their staff who were examined, gave the fullest information in their power as to the working of the Land Law Act.

(O.I.)

But

But the embarrassment and injury consequent on any interruption of the work of the Sub-Commissions would be so great that the Commissioners respectfully submit to their Lordships that the attendance of the Assistant Commissioners before the Committee should not be exacted.

The Honourable E. Theiger.

I am, &c.
(signed) *Denis Godley.*

The Clerk of the Select Committee to Mr. *Denis Godley.*

Sir,

House of Lords, 15 June 1882.

At a meeting of the Select Committee of this House on Land Law (Ireland) this day, I had the honour of bringing your letter of the 24th May last under their Lordships' consideration, and I am now desired to state, for the information of the Irish Land Commissioners, that, in view of the reasons urged in your letter, the Committee have postponed until this day month the consideration of the issue of any formal summonses for the attendance of any of the Sub-Commissioners to give evidence before them.

Denis Godley, Esq., c.s.

I am, &c.
(signed) *Edward Theiger,*
Committee Clerk.

I N D E X. *

ANALYSIS OF INDEX.

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Blake v. Lord Clarina. Case in which ancient rent was reduced by 2s. an acre, owing partly to evidence of landlord's brother, in spite of evidence of tenant's prosperity, *Atkinson* 4585-8.

"*Block in Court*." Increases costs, *Adams* 4993; *Heyes* 5392; *Dunwoody* 5937-8; *Wright* 8277—and disastrous both to landlords and tenants, *Adams* 4995, 5064—Tenants anxious to have their cases heard, *Fitzmaurice* 5659—Instances of cases listed twice before they came on, *Heyes* 5398-11—In Cork, last February, 45 cases listed and 12 heard, *Kennedy* 8603—In Clare, cases listed in March came on in June, *O'Callaghan* 6861—Instance where case listed, but not yet heard, has already cost landlord about 30 L, *Kennedy* 8603—70,000 cases still to be heard will take more than a year and a-half, even without extra work, *Adams* 5011-3, 5082-3—At present rate it would take at least 25 years to hear all cases, *Huxey* 5652-4—and cost the country 4,000,000 L, *ib.* 5047-9—If arrears were dealt with, and leaseholders included, block would increase, *Adams* 5082-3—It is caused, to a great extent, by not grouping farms properly, *Kennedy* 8603—and might be remedied by doubling number of Sub-Commissions, *Adams* 5064. See *SUB-COMMISSIONS* (1).

Board of Works. See *Works, Board of*.

Bourke, Mr. Murder of, in Galway, on return from attending Land Commission, *Huxey* 5459-60.

Boycotting. In Carlow, in case of Captain Newton and Mr. Stopford, in consequence of unfavourable decision in Petty Sessions Court, *Fitzmaurice* 5787—At Limerick, on his pressing for rent, landlord's meadows would not let by auction, and had to be cut by himself, with help of Emergency Committee, making profit of 130 L, instead of 400 L, *Kennedy* 8558-7—In Clare, owing to eviction, *O'Callaghan* 6873-4—Labourers left, and apparently worked for others; a few returned after some months, *ib.* 6875-6, 6910-2—Household servants remained, *ib.* 6875—Inconveniences from, *ib.* 6877—In Tipperary, owing to serving writs, *Lloyd* 7108-10—Nearly all servants left and landlords did almost all the work; boycotting continues, *ib.* 7111-6—Other landlords treated in same way, *ib.* 7181-2.

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Boy's. Grass lands of, about the best in Ireland; holdings run up to 400 acres, *Kieg-Harman* 7390.

Burren. Land in the Barony of Burren, Clare, chiefly "crag pasture," intermixed with light arable land over limestone; the pasture used principally for sheep, *Walsk* 6042-61. (37—L. IND.) T r *Burke*

Bushe (Minors). (Tenant *Barry*). Case tried at Thomastown; rent reduced less than according to valuation of landlord, but claim allowed for improvements, *Adams* 4983—Reasons for decision given in this case, *ib.* 5005-8—Appeals by both parties, when argument will turn on application of *Adams v. Dunseath*, *ib.* 4987-9, 4992.

Buildings. See *IMPROVEMENTS*.

C.

Canada. See *EMIGRATION* (3 and 6).

CASES. See *Adams v. Dunseath*. *Blake v. Lord Clarissa*. *Enright v. Ryan*. *O'Shea, Mr. Cloncurry, Lord*. *Downville, Sir C.* *Bushe (Minors)*.

For general account of cases before Sub-Commissions, see *Originating Notice*. *RENT* (2). *SUB-COMMISSIONS* (2) and (3).

Castle Garden. Association at, for immigrants to States, *Take* 7798-9.

Chancery, Registrar in. Applied to, for sanction of appeals on estate in lunacy, *Dunwoody* 5922-7.

CHARGES ON ESTATES. Including mortgages, portions, and other outgoing, probably amount to six times the rental of the country, which is 14,000,000 *l.*, *Hussey* 5650-2—and are unaffected by reductions, *Hoyes* 5341-3; *Hussey* 5581-8—Unsuccessful attempt two years ago to induce encumbrancers to share loss, *Barton* 7048-9—Landlords would not have charged estates so heavily had they known what was coming, *Walsh* 6125-8—But in many cases they have succeeded to encumbered estates, *Saxkey* 6359-63—and cannot now raise money to free them, *Hoyes* 5348-50.

At present rate of reduction of rent landlord's margin will, in many cases, disappear, or be turned into deficit, *Fitzmaurice* 5788-90; *Dunwoody* 5968-71—Instances given, *Fitzmaurice* 5766-82; *Dunwoody* 5933-5; *Wright* 6216-33, 6257-64; *Saxkey* 6354-8; *Kennedy* 6505-6, 6527-8, 6545-8, 6577-8, 6605-19; *Barton* 7033-44; *Lloyd* 7133-41; *Greer* 7282-92; *King-Harman* 7484-5—Further instances (1) of estates in Clare with rental of 2,815 *l.*, where margin after reduction of one-third would be 500 *l.*, *O'Callaghan* 6839, 6808-70, 6903, 6908-9; (2) of estates in Cork, with rental of 2,055 *l.*, where it would be reduced from 789 *l.* to 328 *l.*, *Hutchins* 6886-91—Instances of estates not heavily charged, *Thompson* 5131; *Greer* 7235.

Loss should be borne in part by encumbrancers, *Barton* 7050-3—Suggestion that State should lend money at low rate to enable landlords to pay off charges, *Hoyes* 5427; *Greer* 7314, 7326—At 4½ per cent. for interest and sinking fund, *Hussey* 5593-5, 5639-40—Except where mortgagees would continue at 4 per cent., or where tenants would purchase (which would reduce cases to be dealt with by one half), *ib.* 5641-6, 5652—These State loans would give landlords some reduction of charge now, and more in future, *Hussey* 5596-601—This would be a great boon, *O'Callaghan* 6896-7.

CHURCH TEMPORALITIES COMMISSION. Now merged in Land Commission, *Johanson* 6447-6—Form of conveyance from, *ib.* 6453—Number of small purchasers from, in Armagh, owning 30 or 40 acres, and paying head-rent, *ib.* 6463—Reduction of rent will leave little or no margin, *ib.* 6464—Instances given:

(1.) Land bought of, in Armagh, by Rector of Kilmore, on request of tenants, in 1878, at 23 years' purchase, *Johanson* 6379, 6587-90, 6396-6—Estate then in a bad state, owing to neglect, and tenant-right practically unlimited, *ib.* 6431-3—Installments on half purchase-money leave hardly any margin to buyer, *ib.* 6391-3—Rents then old and capable of increase, *ib.* 6390-6, 6457-8—being considerably below Griffith's valuation, 6376-8—but now being reduced 25 per cent. by Sub-Commission, *ib.* 6401-2—Reduction likely to result in a deficit, *ib.* 6449-56.

(2.) Small holding bought of, by tenant, paying down a quarter, the remainder being secured by mortgage to be paid off in 32 years; result that purchaser pays more than as tenant, exclusive of poor rates, *Johanson* 6458.

(3.) Land bought of, where, rental being 143 *l.* 5s. 6d., and head rent, &c., 78 *l.* 13s. 6d., and purchaser having paid 700 *l.*, rent was reduced by Court to 100 *l.*, leaving hardly any margin, *Wright* 6177-202, 6206-15.

Civil Bill Court. See *County Court*.

Clifden Union. Populousness and poverty of, and demand for emigration from, *Take* 7657, 7673-4, *App. Q.* 307—Want of employment, *ib.* 7688—Diminution of grazing land, *ib.* 7754-6—Small area of arable, *ib.* 7673—Vacillating conduct of guardians, *ib.* 7672.

Clougher, See of. Purchase of lease of church land, *Earl of Belmore* 4870.

Cloncurry

Second Report, 1882—continued.

Clovenerry, Lord (Transit Hanlon). Case tried at Naas; rent reduced from 90*l.* to 88*l.*, chiefly by admission of landlord's value; no claim for improvements; tenant appeals as his interest was fixed at less than half a year's purchase apparently by mistake, *Adams* 4975, 4978, 4990-1.

Cloveney, Lord. Case on his estate, where tenant, not wishing himself to go into Court, found his expenses paid for him by an agitator, *Fitzmaurice* 5785-6.

Competition Value. See *RENT* (2).

COSTS:

- (1.) *Generally.*
- (2.) *Landlord's.*
- (3.) *Tenant's.*

(1.) *Generally:*

Not often given against landlords, unless unreasonable, *Atkinson* 4577—Instances where they were so given (*e.g.*, Mr. Thompson's cases), *Bird* 4688-9—Not in Mr. Thompson's, but in all other cases at that sitting, *Thompson* 5229-32—Probability of reversal on appeal, *Bird* 4690-1.

(2.) *Landlord's:*

Heavy, even without employing counsel, *Hayes* 5391-4—Double that of tenants, owing to expense of valuation, *Hussey* 5510-1, 5515-6—Often amount to 20*l.*, *Hussey* 5528—Average 6*l.* or 7*l.* a case, *Dunwoody* 5939—Increased by block in Court, *ib.* 5937-8—Too heavy to make it worth while to defend small cases, *Thompson* 5185-90—Landlord with many small tenants could not afford to do so, *Hoyes* 5427; *Barton* 7020-1—Instance given; five cases in Cavan cost (including valuation and appeal) 80*l.* on rental of 97*l.*, *Saukey* 6206, 6317.

(3.) *Tenant's:*

Vary from 5*l.* to 10*l.*, as they employ counsel or not, *Hussey* 5513-4—Sometimes (not always) paid in advance, *Barton* 7026—In cases under Act of 1870 attorney sometimes received a lump sum to act for tenants throughout a district, *Barton* 7027-8.

Coulterst, Sir G. Estate of; case where tenant's value stated that after tenant had spent 395*l.* on improvements holding was worth 4*l.* 16*s.* a year; Court left rent at 6*l.*, *Hussey* 5636-8.

County Court. Altered in character since Sub-Commissions began, and not now satisfactory to either party, *Greer* 7320-2.

Crookshank, Mr. Estate of, in Monaghan. See *DUNWOODY, FORSTER.* (Analysis of his Evidence.)

D.

Dairy Farms. Where tenants held under oral agreement not to till more than two out of twenty acres, Sub-Commissioners held that holdings were not excluded from Act under Section 58, Sub-section 3; this decision appealed against, *Hutchins* 6664-75.

Decisions of Sub-Commissioners. See *SUB-COMMISSIONS* (3).

Denny, Sir E. Estate of, in Kerry. See *HUSSEY, SAMUEL MURRAY.* (Analysis of his Evidence.)

DETERIORATION:

Not considered by Court reason for tenant's getting no relief (unless wilful), *Atkinson* 4630-31—Justly so, *Bird* 4744-5, 4747-50—A part of landlord's case, *Atkinson* 4619-20; *Bird* 4746, 4751-2; *Dunwoody* 5873-5—But difficult to get evidence upon, *Atkinson* 4621-2—Sometimes causes a higher rent to be fixed, *Atkinson* 4588, 4618; *Bird* 4743—Court seems rather to lean to landlord's side where tenant has deteriorated, *Gabbus* 6760-1—Yet, as a fact, deterioration does reduce rent, *ib.* 6762-7—This may sometimes be inevitable, *Atkinson* 4629—Instances given of rent so lowered, *Bird* 4717-8; *Hussey* 5633-6; *Dunwoody* 5858, 5864, 5878-85—Court apparently going by existing state of land, *ib.* 5871, 5887-9, 5893-4.

See also *Enright v. Ryan.*

No cases of, in the past in witness's experience, *Fitzmaurice* 5806-8—No evidence of wilful deterioration, *Atkinson* 4523-8—Many cases of stopping up drains, *Hussey* 5629—It is now tenant's interest to deteriorate before going into Court, *ib.* 5829-32—There will probably be further reductions from this cause fifteen years hence *Dunwoody* 5890-2.

Second Report, 1882—continued.

Denville, Sir C. (Tenant Malone). Case tried at Kilmasham; Court awarded 12 per cent. reduction, landlord's valuer having valued it at 20 per cent. reduction; no claim of improvements in this case, *Adams* 4975-8.

Drains. Case in Donegal where tenant claimed for drains, which, on examination, were proved to be only three feet long; case dismissed by Court, *Barton* 7070-2.

See also *DETERIORATION; IMPROVEMENTS.*

DUNWOODY, FORSTER. (Analysis of his Evidence.)—Is Land Agent in Monaghan, 5834-5—knowing also Mayo and Tyrone, 5836—Farms himself over 200 acres, 5837-8—Manages estates of Mr. Crookshank, Mr. Richardson, and Mr. Lewis, 5841-2, 5895-6, 5946—and others, 5976—Is well acquainted with Ulster tenant-right, 5838.

(1.) Mr. Crookshank's estate, near Monaghan, contains 320 acres, rented at 300*l.*, Government valuation being under 260*l.*; holdings small, and rent unchanged for 50 years, 5840, 5843-50—No evictions, 5851—Tenant-right sells sometimes for 18*l.* per Irish acre, 5852-5—Rents well paid, 5856—Eleven notices lodged, and three cases heard, reducing rent 23 per cent. below old rent, and 13 below Griffith's valuation, 5859-63; *App. E.*, 283—Cases heard are those of the only tenants in arrear, 5857-8—No question of improvements, 5872—They had deteriorated their land, 5884—This was stated to Sub-Commissioners on the spot, and not denied, 5873-5, 5878-84—Landlord's valuer valued land as it stood, at about existing rents, 5883-7, 5876—tenants also having a farmer to value for them, 5868—Court reduced rent, 5877, 5885—Giving no reasons, 5869-70, 5893-4—but probably going by existing state of soil, 5871, 5887-9—Further reductions from deterioration are likely at this rate at the end of 15 years, 5890-3—Names of Sub-Commissioners given, 5886—This estate not encumbered, 5944-5.

(2.) Mr. Richardson's estate in Monaghan is 700 acres, with rental of 850*l.*, Griffith's valuation being 700; rents old, 5897-904—Tenants satisfied, 5908—and tenant-right fetching long prices, 5909-11—Estate in Chancery, landlord being a lunatic, 5923-4—Seven cases heard, 5905-6—Landlord's valuer, instructed to value moderately, valued slightly below existing rents, 5914-20—Court reduced rents nearly 30 per cent., 5907, 5912-3; *App. E.*, 283—giving no reasons, 5921—In one case rent was reduced from 27*l.* to 18*l.*, there being no improvements, 5921, 5929-30—No connection appeared between reductions and improvements, 5931—Reductions unreasonable, 5932—Landlord's costs 6*l.* or 7*l.* per case, partly owing to block in Court, 5936-9—Appeals sanctioned by Chancery in three cases, 5922, 5925-8—This estate heavily charged, 5933; *App. E.*, 284—And if reductions go on at this rate, margin will be gone and family ruined, 5934-5.

(3.) Mr. H. O. Lewis's estate in Monaghan was bought in Landed Estates Court in 1860, 5947-8—No increase in rent since, 5949-50—Two cases heard, 5951—Landlord's valuer valued above existing rent, 5954-5—But Court reduced by 20 per cent., 5952-3, 5956; *App. E.*, 284—Appeals lodged, 5957.

(4.) Generally, notices oftener served on small than on large estates, 5972—On the latter rents are more uniform, and tenants wait for each other to go into Court, 5973-5—Some abstain, not wishing to be bound for 15 years, 5962-4—and hoping for more legislation, 5965, 5981-7—especially smaller tenants, 5986, 5991—Doubtful attitude of priests, 5989-90.

Judicial rent in Monaghan has remained uniform, at an average reduction of 20 per cent., 5966-7—Tenants would probably have been satisfied with less, 5942-3.

Valuations by parties to suit not attended to by Court, 5978—Court should have an independent valuator, as Chief Commissioners do on appeals, 5979-80.

Appeals doubtful, Chief Commissioners being apparently unwilling to reverse, 5940-1.

Agreements out of Court difficult, owing to prospect of further legislation, 5960-1.

Tenant-right in Mayo confined to "soil money," 6030.

Effect of Act to disturb relations between landlord and tenant, 5958-9—and ruin many landlords, 5970-1—on the numerous mortgaged estates, 5968-9.

Arrears among smaller tenants amount in many cases to two or three years' rent, 5998-6001—They will not pay at present, owing to prospect of Arrears Bill, 5992-7 6024-6—If no Bill passed, and if no agitation prevented sale of tenant-right, most could be recovered, 6002-4—Tenant-right in the past has been sufficient security, 6003-12—It would seem hard if this were removed, 6013-4, 6017-23—but some landlords would be glad so to get part of arrears, 6021—and really poor tenants may fairly be assisted, 6015-6—though it is difficult to discover which are really poor, 6027—Instances of this, 6027-9.

E.

Edgar, Mr. Butcher in Armagh, land purchased by, out of savings amounting to +,000 l. or 5,000 l.; rents since seriously reduced, *Johnston* 6465-6.

Education, Commissioners of. See *LANDED ESTATES COURT*.

Ejectments. Operation of Section 51 of Act practically forces them to be brought in County Court, which will cause delay and thus make rents harder to recover, *Hussey* 5372-80.

On estates in Mayo and Carlow, writs occasionally served, but no evictions, *Thompson* 5262-3; *Finnearice* 5709-10—On estate in Clare, had recourse to, on failure of tenants to pay rent after agitation began, *Wales* 6070—So also on estates in Longford, Roscommon, &c., where process was before unknown, *King-Harman* 7373-5, 7384-5—On estate in Cork, with 167 tenants, only three evictions from 1867 to commencement of agitation, *Hutchins* 8693-4—On estate in Clare two tenants lately evicted; one re-admitted, not the other, as he had money, and refused reasonable offer, *O'Callaghan* 6872-3.

Emigrants. German, taken cheaper than English from Liverpool to New York, *Foster* 7586-98.

EMIGRATION:

- (1.) *Need of.*
- (2.) *Attitude towards.*
- (3.) *Class to be taken.*
- (4.) *Modus operandi.*
- (5.) *Cost.*
- (6.) *Destination.*
- (7.) *Result.*
- (8.) *State Aid.*

(1.) *Need of:*

Very great, especially in the west, *King-Harman* 7518-9; *Foster* 7579-81, 7823-5; *Take* 7653—Description of poverty-stricken state of Connemara, &c., *ib.* 7673, 7777-80; *App. Q.* 307-8—Owing to smallness of holdings, *ib.* 7800-2, 7808—want of employment, *ib.* 7688-93—difficulty of coast for fishing, *ib.* 7679—and want of fuel and means of locomotion, *ib.* 7825-8—The only possible alternative would be transplantation, *Bird* 4759.

(2.) *Attitude towards:*

(a.) Of the people themselves, changed, *Take* 7713-4, 7765—They went unwillingly in famine year, *ib.* 77512—In later times some who had money went, *ib.* 7750, 7753, 7809—But chiefly the young and healthy, *Thompson* 7213-7; *O'Callaghan* 6913-6—Now they have found out it is the only remedy, *Take* 7750—poverty being intensified, *ib.* 7754-7—in spite of diminished population, *ib.* 7820-2—Large number of emigrants, and greater still of applications, *Foster* 7530-1, 7539-40; *Take* 7657, 7769—Instance of family anxious to emigrate, but unable to do so owing to debts, *Johnston* 6420, 6423-6.

(b.) Of Guardians, (who are generally shopkeepers, *Take* 7740-3) hostile, *Greer* 7338; *Foster* 7632; *Take* 7722-6—Though this is against their real interest if they could see it, *ib.* 7744—Instance of Clifden guardians passing and rescinding resolution for assisting Bedford Committee, *ib.* 7672.

(c.) Of Priests, doubtful, *Take* 7759-62, 7766-8—They are nearly all in favour of emigrating individuals, *Foster* 7538, 7541-3, 7577-8, 7628-9, 7633-5—But against emigrating families, *Take* 7763-4.

(d.) Of Landlords, favourable, *Take* 7791-3.

(e.) Of Land League, neutral, *Foster* 7630-1—Though Mr. Parnell ridiculed it, *ib.* 7629; *App. O.* 295—And "National" papers opposed, *King-Harman* 7504.

(3.) *Class to be sent:*

Whole families, where possible, *King-Harman* 7513; *Take* 7669—Cottiers, *King-Harman* 7515-6; and evicted tenants, *Take* 7745-9—Great care being taken as to proportion of "bread-winners" in families, *Take* 7880-3, 7695-7—This mode of proceeding increases responsibility and cost, *ib.* 7688-702; *Foster* 7551—Opinion that it is impracticable owing to difficulty of maintenance on arriving, *Foster* 7555-83—Suggestion, however, for "rural settlement" in the States, *App. O.* 298 (*Letter of Rev. P. Durin*)—If individuals are sent, girls should be chosen first, *Foster* 7552-4, 7568-70; e.g., servant-girls of good character, daughters of cottiers, *ib.* 7545-7, 7611-5; *App. O.* 305—Young men may also be freely sent, *ib.* 7558-8, 7571—The young are most ready to move, *Thompson* 5220; *Foster* 7645-7.

(37—L. 18N.)

T T 3

(4.) *Modus*

EMIGRATION—continued.

(4.) *Modus Operandi* :

By circulars to clergy and school teachers inviting applications, *Foster* 7529—keeping clear of politics, *ib.* 7641-3—By relieving officers asking if any wished to go, *Take* 7769-70—Emigrants allowed to go with whom they like, and from any port, *Foster* 7535-7, 7618—Sent from Galway Harbour, *Take* 7675—March to May the best time, *ib.* 7796—Complaints as to feeding on emigrant ship "Winnipeg," *ib.* 7703-6.

(5.) *Cost* :

Of emigrating girls to States, 8 *l.*, including journey up country, *Foster* 7534, 7541—Of emigrating families 6 *l.* to 7 *l.* per head, including 1 *l.* for outfit, *Taks* 7658-9, 7671, 7676, 7824—In former assistance given was 2 *l.* to 3 *l.*, *Foster* 7532, 7535—In latter, practically the whole, *Take* 7671—Money paid direct to shipping companies, *Foster* 7548; *Take* 7675—Loan, instead of gift, not advisable, *Foster* 7619-20—Inequality between fares to Canada and to States, *ib.* 7585-6—Between fares from Liverpool to States for English and for German emigrants, *ib.* 7586-98.

(6.) *Destination* :

Often chosen by themselves, *Foster* 7509; *Take* 7660—They prefer States to Canada, *Thompson* 5218—Partly from dislike of British Government, partly because they have friends in States, *Foster* 7564-5, 7600-1, 7603-6, 7616—Merely from ignorance, *Taks* 7664-5, 7773-6—Canada, however, the best place to send families to, as arrangements after landing can be made, *King-Harman* 7517; *Take* 7694, 7709-10—Doubt as to this in the States, *Foster* 7572-6—Individuals can be sent to States, arrangements not being necessary, *Foster* 7533, 7606; *Take*, 7711—Feeling in States against Irish immigration, *Take* 7662—Though private associations there will assist, *Foster* 7529; *Take* 7660-1, 7798-9—and those families who went there were well placed, *ib.* 7663—In Canada the Government place them, *ib.* 7662—Not private companies, unless immigrants have some capital, *ib.* 7666-8—Successful emigration from Killybegs to Canada, *Foster* 7602-4—No apparent limit at present to amount that America can receive, *Take* 7812-7.

(7.) *Result* :

Satisfactory both in States, and (so far as known) in Canada; good situations obtained, *Foster* 7549-50; *Take* 7684-7, 7771—Good reports received through clergy, *Foster* 7621-2; *App. O.* 296-304—Emigrant girls marry their own countrymen, *Foster* 7607-9, 7644—Young emigrants often bring out their families after them, *ib.* 7560-2—Not so much so as formerly, *King-Harman* 7520—They send money, but not enough to help whole family out, *Greer* 7338.

(8.) *State Aid* :

Necessary, and would be now opportune, *Take* 7654, 7706, 7758—It should be voluntary, *Greer* 7334-7; *Take* 7655-8—and unpolitical, *Foster* 7636-40—Poor unions in the west, if willing, could not do it alone, *ib.* 7657, 7707—Section in Act of 1881 unworkable, and should be amended, *Foster* 7583-4—Suggestions as to proposed clauses in Arrears Bill, *Take* 7715-21—Some unions, not all, would borrow to meet grant from Government, *ib.* 7712, 7722—But they cannot be compelled to do so, *ib.* 7732—Therefore Lord Lieutenant should have power to make grants to voluntary societies, *ib.* 7726-31, 7733-9—Yearly number of emigrants might be doubled, *ib.* 7709, 7810-11.

Encumbered Estates Court. See *LANDED ESTATES COURT.*

Encumbrances. See *CHARGES ON ESTATES.*

Enright v. Ryan. Case where two or three acres held by a hotel-keeper at Limerick, had been meadowed for 30 consecutive years; rent reduced by Sub-Commission from 19 *l.* to 9 *l.*, and raised again, on appeal, to 16 *l.*, *Atkinson* 4684-7.

Evictions. See *Ejectments.*

Evidence of Improvements. See *IMPROVEMENTS.*

Evidence of Value. See *VALUATION* (2) and (3).

F.

Fishing on coast of Galway impracticable, except with large and expensive boats, *Take* 7679.

FITZMAURICE,

FITZMAURICE, ARTHUR. (Analysis of his Evidence.)—Is J. P. for Carlow, and farms 300 acres; is also agent for twenty-two properties, chiefly in south, 5679-35 —Among others, Captain Newton's, 5691—On this estate there are 120 holdings, nearly all small, and rental is 1,668 l.; he has also 100 acres in hand, 5692-4, 5766-8—Outgoings (including head-rent, tithe rent-charge, interest on loans, taxes, agency, &c.) amount to 1,374 l., 5769-80—Estate has been in the family since 1805, 5700—In 1864 old leases to middlemen expired, and there was a readjustment of holdings, 5701-5—Tenants satisfied with rent, 5706—Except in 1879, when they asked for, and obtained, 15 per cent. abatement, 5708-8—Except also in one case of interest on drainage, 5728—There have been no evictions, 5709-10—Nor have tenants deteriorated land, 5806-8—Captain Newton boycotted for a time, 5787—But the "no rent" agitation had no great effect on these properties, 5829-30—On the whole twenty-two estates about 80 notices have been served, and 20 cases heard, 5685-8—Many others will be served, 5690—And tenants will be glad to have them heard as soon as possible, 5689—On Captain Newton's estate 12 have been heard, reducing rent by 30 per cent., 5695-9, 5743, *App. D.*, 282—Names of Sub-Commissioners given, 5753-5—Instance on Lord Clonmell's estate, where tenant had notice served for him by, and at the expense of, an agitator, 5785-6—Inspection by Sub-Commissioners on Captain Newton's estate insufficient; they visited 178 acres in the morning, and 398 in the afternoon, 5712—Details of the afternoon proceedings given, 5713-9—They could not value so much in the time efficiently, 5720, 5731-6—Especially on hilly ground, 5744-7—of which they probably had not much experience, 5752—and in this case it rained heavily, 5720—making it inconvenient, but not in itself quite impossible, to value properly, 5737-42.

Valuators not employed by landlord in these cases, as it is expensive, and of little use; witnesses gave evidence himself, 5721-8—Tenants went on their own evidence, and that of neighbours, 5729-30.

Judicial rent here above Griffith's valuations, 5751—But this is not a safe guide, and, generally speaking, 25 to 30 per cent. must be added to it to make a fair rent on farms like these, 5751, 5809-12—Especially as many improvements have been executed since it was made, 5813—Reductions made on old rents, but more on rents that have been raised, 5799-802—Later decisions appear to reduce more than earlier ones, 5803-4—Reductions unjust, 5805.

Appeals, in all cases of Captain Newton, not yet heard, 5748-50—If reversed, tenants would rather appear, than be, dissatisfied, 5764-5.

Agreements out of Court unsuccessfully attempted on basis (1) of reducing rent 15 per cent. (2) of leaving it to valuer sent down by Commissioners under new rule, 5756-63.

Landed Estates Court proprietors, not old families, have raised rents, and probably forced on Land Acts, 5796-8.

Effect of Act to destroy good feeling between landlords and tenants, 5783-4—It does not, however, effect cultivation of soil, 5785—On many encumbered estates margin will be swept away, 5781-2, 5788-90—And landlords ruined, 5791-2—Land being unsaleable, 5793—Mortgagees will also be ruined in some cases, 5794-5.

Arrears on one-eighth in value of holdings (chiefly among small tenants), 5814-22—Varying up to four years and more, 5816, 5823-6—The arrears practically irrecoverable, 5831—Prospect of Arrears Bill has not affected payment of rent, 5827-8—It will affect back payments where landlord has been lenient, 5832-3.

Flax. Grown much in Tyrone, and lately depreciated, from competition of cotton goods, and because after being scutched it is sent to Belgium to be worked up, *Earl of Belmore* 4926-7.

FOSTER, VERA. (Analysis of his Evidence.)—Was in the diplomatic service, and about 30 years ago settled in Ireland, and interested himself first in national schools, 7526, 7610—and then in promoting emigration at his own cost, sending young men and women from Clare and Louth to America, 7526-9—He went himself many times to America and travelled all over States to judge results and help emigrants, 7528—But this was stopped by civil war, &c., there, *id.*—until 1880, when he took it up again and endeavoured to enlist Mr. Parnell, &c.—who ridiculed the suggestion, *App. O.*, 295—Then witness went on for himself, but only sending girls and only paying part of cost, 7529.

(1) *As to Class:*

He formerly emigrated young men, now only young girls, 7552-3, 7627-8; *App. O.*, 294-6—of Connaught and adjoining counties, 7544, 7579, 7617—having to limit amount from want of funds, 7529—and making this choice because (1) girls can least help

Second Report, 1882—continued.

FOSTER, VERE. (Analysis of his Evidence)—continued.

(1.) *As to Class*—continued.

help themselves, (2) they are most generous afterwards in helping their relations, 7554, 7569, (3) they cannot be called breadwinners of the family, 7566-8—Those who go are chiefly servant girls, 7545-6—daughters of cottiers or small farmers, 7611-5—None eligible unless of good character, poor, anxious to go, unable to pay fully for themselves, and recommended by clergymen, 7547, *App. O.*, 305—Young of both sexes can be sent without difficulty, and there would be no fear of "home and sin" leaving the country while employment was to be found, 7558-9, 7570-1—But emigration of whole families would not meet with such universal sympathy, 7645-7—and would hardly be practicable owing to difficulty of maintenance on arriving, 7551, 7555-7, 7563—Government could hardly arrange for this, at least in States, 7572-6—Suggestion, however, for making a rural settlement of families in America, *App. O.*, 298 (*letter of Rev. P. Irwin*).

(2.) *Modus Operandi*:

By circulars to clergy and schoolmasters, leading to applications, of which 24,000 have been received, 7529-31—13,000 girls have gone and 2,000 more are going, 7539-40—No communication with landlords, and no political motive, 7641-3—Emigrants may go from any port to any port, and with any friends, 7535-7, 7618—Similar arrangement necessary in case of State-aided emigration, 7636—Which should be voluntary, and not connected with evictions, 7637-40.

(3.) *Priests*:

Nearly unanimous in supporting movement, 7529, 7538, 7633-5—Instances of special earnestness in the cause, 7542-3—Their co-operation has lately increased, 7577-8—but they were also ready in the case of emigrating men, 7628-9.

(4.) *Demand*:

Enormous, 7623-6—Especially in west, where poverty greatest, and rent greatly paid by labour in England, 7580-2—No opposition from Land League, 7630-1—There might be from shopkeepers, &c., 7632.

(5.) *Cost*:

Of emigration to States (including journey up country) 8*l.*, 7534, 7541—2*l.* now offered; but, by arrangement with steamship companies, somewhat greater value given, 7532, 7535—Money paid direct to companies, 7548, *App. O.*, 305—Not desirable to proceed by loan, 7619-20—In case of State-aided emigration rather give (my) 3*l.* than one-half, as fares vary, 7584-5, *e.g.*, fare to New York is 6*l.* 6*s.*; to Canada, 3*l.*, 7583—owing to conference of steamship companies, 7587-9—But German emigrants are taken from Liverpool to New York for 3*l.*, in order to compete with German companies, 7590-8.

(6.) *Destinations*:

Generally New York, or Boston, 7599-600—Not Canada, partly from dislike of English Government, 7564-5—But chiefly because they have friends in States, *ib.* 7585, 7601, 7605-6, 7616—Mr. Wynne, of Killarney, however, sent some successfully to Canada, 7602-4, *App. O.*, 304—Witness has no further responsibility after they land, 7633, 7606.

(7.) *Result*:

Satisfactory; they get good situations, 7549-50—and intermarry with their own country people, 7607-9—They write to their clergy, who have sent good reports to witness, 7621-22, *App. O.*, 296-304—This method of emigrating checks increase of population, though it only slightly diminishes number of families, 7644—The young people, however, often bring their whole families after them, 7560-2.

(8.) *Emigration Section of Act of 1881*:

Unworkable, 7583.

G.

Girls, Emigration of. See FOSTER, VERE. (Analysis of his Evidence.) EMIGRATION (3).

Government Valuation. See Griffith's Valuation.

Grazing on certain mountain lands in Donegal unlimited, either gratis to tenants or at nominal price, Barton 6947-53—Curious evidence as to its value, *ib.* 7008-10—Not much commonage attaching to farms on witness's estate in Roscommon, &c., *King-Harman 7391-4*—Diminution of grazing land in Clifden Union, *Tuke 7764-6*.

GREER,

Second Report, 1882—continued.

GREEN, JAMES. (Analysis of his Evidence.)—Owns land, 7188; farms from 300 to 400 acres near Omagh, 7190-1, 7193-8, and is agent for properties in Tyrone, Donegal, and Fermanagh, with rental of 12,000 £ in all, 7189, 7192, 7199.

(1.) Mr. Shell's estate in Tyrone contains 1,000 acres let to about 26 tenants for 749 £, and 200 acres with perpetuity rent of 35 £, 7200-6, 7240—Since 1846 landlord has expended 1,586 £ in assisting tenants' improvements, and increased rent by 56 £, 7208-21—Tenant-right fetched from 10 to 14 years' purchase, 7234—Rents generally well paid down to 1879; 7214, 7222-4—Nearly all tenants served notices, which have been heard, 7207-8—Doubt whether tenants had notice to give particulars of improvements, 7230-3—Landlord gave evidence as to quality of land, &c., 7225-7—and employed valuer who valued slightly below existing rent, 7242-4—Tenants employed neighbours, 7245-7—On five holdings rent not reduced, 7228—On the others reduction was 84 £, or 16 per cent., 7229-30, 7236-41, *App. N.*, 291-2—No means of ascertaining basis of reductions; not made on tenants' improvements, or inability to pay, 7231-3, 7248-9—Charges on estate not heavy, 7235.

(2.) Mr. Ogilby's estate in Tyrone contains 4,000 acres, let to over 50 tenants for 2,000 £, 7254-7, 7262—Landlord has improved under Board of Works, 7258-9—Rents well paid, and (judging from price of tenant-right) fair, 7260-1—Nearly all tenants served notices, and 41 cases have been heard under two Sub-Commissions, 7263-6—Names of Sub-Commissioners given, 7267-8—Results of the two very different under similar conditions, 7269-71—The first heard 20 cases, dismissed 3 as part of home-farm, and reduced the rest 16 per cent, 7272-3—The second heard 21, and reduced rent 30 per cent., 7274-5, *App. N.* 293—Reduction on whole estate 22 or 23 per cent., 7278-9—which is excessive, 7280-1—No means of knowing reasons of decisions, 7276—Eleven appeals lodged against last set, one or two against first, 7277—Charges on estate very heavy, and will exceed rental after reductions, 7282-92.

(3.) Generally, many landlords, whose estates are heavily charged, ruined by Act, 7293-8—some being tradesmen who have invested savings in land, 7299-303—Land now unsaleable, 7315-6—and present settlement not final, tenants not being satisfied, 7317-8—Government should have fixed rent by regular valuations, subject to appeal, 7319—going principally by price of produce, which has much increased since Griffith's valuation, 7323-5.

County courts not now satisfactory tribunals for either party, 7320-2—Suggestions that Government should (1) purchase from landlords (who are now anxious to sell) at maximum price of 24 or 25 years' purchase, 7304-8, 7312-3—and induce tenants to buy by amending "Bright" Sections, 7309-10—which, added to firm administration of law, might quiet agitation, 7311—(2) lend to landlords at low rate to pay off charges, and (3) condone tithe, 7314, 7346.

Arrears not heavy, 7332—But prospect of Bill has stopped payment of rents, 7327-8, 7333—Effect of Bill will be bad, especially if value of tenant-right is not counted, 7329-31.

Emigration, if voluntary, would be advantageous, and many would go, 7334-5, 7337—Guardians do not favour it, 7336—Money sent back by emigrants not sufficient to help families out, 7338.

Griffith's Valuation. Worth nothing as a guide to value, *King-Harman* 7397-9—In Kerry, the lowest in Ireland, and wholly fallacious as a test, *Hussey* 5529-32—Similar conditions in Carlow, where 25 to 30 per cent. should be added to it, having regard to subsequent improvements, *Fitzmaurice* 5809-13—In Clare, does not take into consideration wool, which there pays most of rent, *Wale* 6087-8—On estate in Cavan, 21 per cent. below rent which has run since 1857, *Sankey* 6294-9—No criterion for letting value there, 6319-23—Close to Limerick, far below letting value, *Kennedy* 6531-5.

Judicial rent, more or less, based upon, *Earl of Belmore* 4910; *Adams* 5068-9, 5071; *Barton* 7016-8.

Agreements for rent based on, with per-centage added, *Earl of Belmore* 4876-7.

Small tenants will not pay more than, in view of Arrears Bill, nor this unless they obtain receipt in full, *Gabbins* 6781-5.

See *RENT* (2).

Guardians. See *Post Law Guardians*.

GUBBINS, W. G. (Analysis of his Evidence.)—Agent and valuer, 6716-7, 6798—Has valued for landlords in cases in Cork, Clare, and Limerick, and been examined before Court, 6718-21, 6746.

(37)—I. ISM.)

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GURRINS, W. G. (Analysis of his Evidence)—continued.

In valuing, witness finds average price of produce for last five years, 8722—Taking account of American competition, which, however, has now fallen off, 8723-4—and prices (except of wool and of wheat) risen; details given, 8725-6—He then calculates what stock land will carry, 8727, 8731-4—and, after deducting expenses, considers what tenant should have, 8728—so as to give him fair profit and leave fair rent for landlord, 8735, 8790-2—*e.g.*, with gross produce of 300*l.* tenant should have 80*l.* to 100*l.* (say two-sevenths), 8729-30, 8736—Proportion should be greater on small farms, 8793-7—This fraction not deliberately chosen, but result arrived at by experience, 8732, 8737-40—not from consulting other valuers, 8742-5—Values laid as it stands, then values tenant's improvements, and deducts them, 8756-7—Sometimes improvements have done no good owing to tenant's carelessness, 8758-9—Where tenant has deteriorated Court leans to landlord, 8760-1—Yet as a fact, deterioration does reduce rent, 8762-7—Tenants gave witness every facility when he valued, 8747-8—He has not met their valuers on land except on arbitration, 8749—They are, as a rule, tenant farmers, 8750-1—and go on no principle except that of reducing, 8753—Their valuations sometimes 20 per cent. below his, 8752—Those of Sub-Commissioners also considerably below, 8741.

Effect of Act to unsettle tenants, 8770-1—who, *e.g.*, repudiate orders of Court to build cottages, 8771—They are not, however, free agents, owing to agitation, 8777-80—Agitators emboldened by success, and disturbances likely to continue, witness himself having police protection, 8812-4—Judicial rents will probably not be well paid, 8822-4—because leaseholders will not allow others to pay until they also have benefit of Act, 8772, 8825-7—(Leaseholders before Act had rather better terms than others, 8828)—This question ought to be dealt with, 8773-5—and then country would quiet down by degrees, 8778, 8816-8—as this is purely land agitation, 8819—Lease question should not be left to work itself out, 8820-1—The fifteen years' period for tenancy probably too short, 8788-9—Instance where on agreement out of court leaseholders were given the same benefit as others, 8829.

Arrears question also important to settle, 8816—Now, prospect of Bill stops payment of rent, 8780-2—For tenants (*e.g.*, in Clare, 8786-7) will not pay anything beyond Griffith's valuation, 8783-4—nor that, unless they obtain receipt in full, 8785—It will be impossible, however, to find out who can pay, 8787-8—Arrears not confined to small tenants, 8789.

Charges heavy on most estates, 8799-800—In many such cases landlords ruined by Act, 8801-5—Mortgagees will have to take up estates, land being unsaleable, 8808, and some will lose much, 8807—Ten years ago 4 to 4½ per cent. was the usual interest on mortgage, 8808-9—Instance given, 8809-10—Jointures still more precarious, often coming after mortgages, 8811.

Agricultural prospect for present year doubtful, 8754-5.

H.

Hewitt, Mr. Valuer employed on estate in Donegal in 1871; rent then raised, but still 17 per cent. below his valuation, *Barton* 6957-88.

HAYES, SIR SAMUEL, BART. (Analysis of his Evidence.)—Is J.P. and D.L. for Donegal, with property of 22,600 acres, mostly under settlement, 5276-8, 5339-40—and subject to charges, 5341-5—There are 602 tenants, whose rents average under 10*l.*, 5279-81—and, excluding old leases, are 5 or 6 per cent. above Griffith's valuation, 5282-4—and similar to neighbouring estates, 5301-2, but not quite up to valuation made in 1858; 5285-7—Since that date land bringing in 1,200*l.* a-year has been sold at 25 or 26 years' purchase, 5287-90—some of it to tenants, 5327-8, in order to sell off part of a mortgage, 5345—Much more might then have been sold at same rate, 5290.

Tithe rent-charge purchased after Church Act, 5330-1—Purchase-money payable in 50 annual instalments of 18*l.* each, 5332-5—He also pays instalments on improvement loan from Board of Works, 5336-8.

Tenants may cut turf up to 40 perches for 1*s.* beyond that at 1*s.* 6*d.* a perch, 5291-5—Limestone free, and timber at nominal price, 5296-7—Tenant-right has averaged 16½ years' purchase, 5298-300.

Tenants often idle and thriftless, 5377-9—Only a few improve, 5380—Rent paid out of land, except in case of some who work in Scotland, 5376-7—Well paid up to 1879, when arrears began to increase, 5303-5—Since that time agitation has been rife, 5419—It had gradually been growing since Act of 1870, 5423-6—and was fostered by Land League, 5422—not ostensibly by priests, 5420-1.

Notices

HAYES, SIR SAMUEL, BART. (Analysis of his Evidence)—continued.

Notices served by 55 tenants, and 15 cases heard last May, reducing rent 22 per cent., 5308-11, 5316-7, 5388—(Witnesses bands in *App. A* 279, with landlord's valuation blank, 5312-5)—Most, but not all, reduced below Griffith's valuation. 5318-23—One, already below that, further reduced, 5323.

No inquiry by Court into prices of produce, 5427—They inspect land with care. *ib.*—Landlord's valuation above existing rent. 5315, *App. A* 279, 5385-6—but this evidence disregarded by Court, 5427—Tenants' valuations quite untrustworthy, but often (apparently) affecting judgment, 5397-9, 5427—Personal abuse of landlords tolerated in Court, 5400, 5403-12—but applause suppressed, 5401-2.

Judgments of Sub-Commissions do not disclose reasons, 5324, 5427.

Costs in these cases amounted to 3*l.* each, 5391-2—And this without employing counsel, 5393-4—Landlord with 600 tenants could hardly afford to defend all cases at this rate, 5427.

Appeals lodged against these cases as being the first, 5324-5—This may stop other tenants sending in notices, 5329.

Effect on landlords to impoverish them greatly, 5413, and make them either leave home or retrench, 5414-7—Charges not reduced with rental, 5342-3—There is no way now of getting mortgage transferred, 5346-7—or of borrowing money to pay off charges, 5348-50, 5418—Suggestion that State should lend money at low rate for this purpose, 5427—Similar grievance as to tithe rent-charge and Board of Works instalments, *ib.*

Arrears considerable among poorer tenants; probably four-fifths of tenants under 30*l.*, average three years of arrears, 5351-8—Tenant-right now a security for arrears, not often used, but one which it would be a grievance to lose, 5359-67—Some tenants probably have money, 5372-3—But many are indebted to banks and shopkeepers, 5374-5—Similar condition of neighbouring estates, 5368-71—Prospect of Arrears Bill likely to increase agitation, and promote discontent among paying tenants, 5381-7—Many landlords would, if canvassed, vote against it, in spite of pecuniary inducement, 5427—Money would be better applied in extending operation of purchase sections, *ib.*—Suggestion that land should be sold at 25 years purchase, with addition in case of tenants in arrears, *ib.*

Head Rent. On sales to tenants landlord should be forced to compound for, on term-varying according to the proportion which it bears to interest of middle-man, *Earl of Belmore*, 4963.

Headley, Lord. Estate of. See **HUSSEY, SAMUEL MURRAY** (Analysis of his Evidence).

Henderson Mr. and Mrs. Estate of. See **WRIGHT, JOSEPH** (Analysis of his Evidence).

Holdings. Small in Donegal, *Hayes* 5278-81—In Carlow, *Fitzmaurice* 5692-4—In Mayo, *Thompson* 5121-4—Extreme instances in Galway and Mayo, *Tuke* 7777-9, *App. Q.* 307-8—On dairy-land estate in Cork average 57*l.* rent, *Hutchins* 6706-7—In Longford, about 35*l.*, *King-Harman* 7351-2—Attempt to reduce number and increase size, in Clare, *Walsh* 6552-6. See **ENIGRATION** (1). **RENT** (1).

Home Farm. Cases in Tyrone dismissed, as part of, *Greer* 7272.

Homespun. Manufacture of, in Connemara, *Tuke*, 7677-8, 7828-9.

HUSSEY, SAMUEL MURRAY. (Analysis of his Evidence).—Owns land in south, bought (out of savings) in Landed Estates Court for 50,000*l.*, 5428-9, 5870-2—His last purchase was of 3,000 acres in Kerry, bought in 1879 for 30,375*l.*, 5430-3—(Conveyance handed in, 5434-9, *App. C* 281)—About half in value of tenants bid against witness, 26 years' purchase on the average, 5446-52—But vendors would not divide estate, so witness purchased all, without bidding higher, 5453-4—Rent not raised since, and 2,300*l.* spent by landlord, chiefly on drainage, 5439-43—On passing of Act, he asked Land Commissioners to take property at same price without allowance for improvements, but they declined, 5463-4.

Witness is also land agent; he, his firm, and his son receive nearly 250,000*l.* rental in Munster and Connaught, 5466-71, *cf.*—on estates of Mr. Osborne, Sir E. Denny, and Lord Headley, 5472-3, 5493-4, 5656.

(1.) On his own estate about half the tenants served notices, 5444-6—Cases have not yet come on, as witness was obliged (owing to threats), to leave for a time, and obtained adjournment, 5456-8—Similar occurrence ended in murder of Mr. Bourke, 5459-60.

HUSSEY, SAMUEL MURRAY. (Analysis of his Evidence)—continued.

(2.) On Mr. Osborne's estate of 2,500 acres, rent was 2,376 £ in 1840, and has since been voluntarily reduced to 2,100 £, 5472-8—Nearly all tenants served notices, 5480—Cases on easement heard, and rent reduced by nearly one-third of rental of 1840, and 12 per cent. of modern rent, 5481-8—although there were no tenants' improvements, 5490—and although in better districts like this, rent of 1840 would now be fair (it would not in wheat districts), 5620-3—and rent in England or Scotland would be much higher now than then, 5488-9—Statement of Court that antiquity was no proof of fairness of rent, 5492—One witness refused to appear for landlord, owing to intimidation, 5560.

(3.) On Sir E. Denny's estate several cases heard, ending in reductions, 5493-6, 5505—All appealed against, and decisions confirmed, 5507-9—except in one case where Sub-Commissioners reduced rent of 48 acres from 30 £ 10 s. to 27 £, and Chief Commissioners (without giving reasons) further reduced it to 21 £ 10 s., 5497-9—No question of improvements, 5547—In fact, tenant's valuer admitted deterioration, 5533-8—Court sent down Mr. Murray to value, 5500, 5504—who had no special experience of west coast, 5533-7—No notice of his coming given to landlord, 5543—Report would have been produced in Court, but was not asked for, 5501-3, 5536-40—it being known that his valuation was the same as that of Court, 5541-6.

(4.) On Lord Headley's estate, rent of 150 £ on 90 acres, dating from 1802, was reduced to 125 £, 5635-80—This now under appeal, 5661—In this case also one witness refused to appear, owing to intimidation, 5550.

(5.) Generally on Landed Estates Court titles, reductions amount to 25 per cent., 5676-7—which, leaving charges as they are, means ruin to purchasers, 5678—Case of Mr. Rayeroff, who bought land in 1872 for 8,000 £, and, rent being reduced by one-third, had to return to trade, 5663-9—In another case, rent stated to be capable of increase, was reduced from 25 £ to 14 £, 5675—Purchasers generally Irishmen, who had saved money in trade, &c., 5671-4.

Judicial rent generally in Kerry not below Griffith's valuation, but that is at its lowest there and wholly fallacious as a guide, 5529-32—Recent decisions reduce rent more than earlier ones, 5589-92.

Valuers for landlords difficult to get, and expensive, 5551—partly owing to intimidation, 5511, 5552—Details of cost given, 5516-27—They value land low, taking other judicial rents as guides, the competition test having been abolished, 5533-60—Tenants incur no such expense, valuing for each other, 5512—Instance of absurd statement of tenant's valuer (on Sir G. Coulbursat's estate), which, however, did not affect judgment, 5636-8.

Costs, including valuation, average to tenants, 5 £ to 10 £, to landlords, twice as much, 5513-5, 5528.

No reasons given for judgments, 5491-2, 5561—This would make it easier to make agreements out of Court, 5562—Though in some cases such agreements, on present basis, would leave nothing to landlords, 5653, 5663—At present rate it would take at least 25 years to hear all cases, 5552-4—And cost Government 10 £ a case, 5647-9.

As to purchase sections, no tenant but a lunatic would buy on present terms, 5567-8, 5624-7.

Effect of Act disastrous to country, 5549—And causing ruin to encumbered estates, which constitute a majority in Ireland, 5562-6, 5569-71—Instances given, 5562, 5583-4—Rent will be harder to get than before, as operation of sect. 51 of Act will force ejectments to be brought in County Courts, and cause delay, 5572-80—Landlords will not improve, 5628—And tenants will be tempted to deteriorate; they do so sometimes wilfully, 5629-32.

Charges on Irish estates, probably six times rental of 14,000,000 £, 5530-2—and remain the same in spite of reduced rent, 5581-8—or, if mortgages, are increased, 5601-6, 5647—Suggestion that State should lend to landlords at 4½ per cent. for interest and repayment, 5593-6, 5639-40—This would diminish burden slightly now, and more in future, 5596-5601—It should not be lent where mortgagees would leave money at 4 per cent., or where tenants would purchase for reasonable sum, 5641-6—This would perhaps diminish sum to be advanced by one-half, 5652.

Arrears not very heavy in South, certainly less than two years' rent, 5607-9—In Connaght they average three years, 5608—None on witness's estate, 5461-2—But prospect of Arrears Bill stops payment now, 5610-4—even in case of tenants who will not be benefited by Bill as it stands, 5616-9—and forces evictions on landlords, 5615.

HUTCHINS,

Second Report, 1882—continued.

HUTCHINS, S. N. (Analysis of his Evidence.)—Owns land in Cork, Cavan, and Westmeath, J. P. for Cork, &c., 6622-6—Succeeded to estate in Cork in 1880, having managed it since 1867, 8834-6—Before he went to live in Dublin was under police protection, having been fired at near Drimoleague, 6626-7, 6632-3—Believes outrage connected with Land League, 6629—No differences with tenants to account for it, 6628, 6631—No arrest, 6630.

Estate near Charleville, in Cork, contains 1,016 acres of rich dairy land, 6637-9—with rental of 2,055 L, and 18 tenants, averaging 57 acres, few paying under 30 L rent, 6640-1, 6706-9—Griffith's valuation being 1,106 L, 6642, 6708—Rents rose after 1824 from 1,770 L to 2,342 L, and sunk again after famine, 6643-7—punctually paid, and no disputes, 6648-50, 6696—Abatement of 15 per cent. on half-year in 1881, 6651-3—Allowances towards building, draining, &c., 6654-5—Outgoings (including charges) 1,285 L, leaving margin of 789 L, 6686-8—Eight cases (listed in January, and heard in April) reduce rent from 1,294 L to 995 L, or 23 per cent., 6656-63, *App. I.* 288—Similar reduction on all would reduce margin to 328 L, 6689-91.

Landlord argued that holdings were excluded from Act as dairy farms, 6661-6—tenants being allowed (by oral agreement) to till only 2 acres out of 20, 6667-70, 6674-5—Court held otherwise, 6671—and landlord appeals both as to that and as to value, 6672-3.

Inspection by Court hurried; they walked over 600 acres in six hours; only testing soil in two places, 6676-80—Landlord produced valuer from a distance, 6681, 6684-85—Tenants produced neighbours, 6682-3.

Witness's whole estate 5,000 L a year; the rest also charged, 6695, 6699—Many other tenants in Court, but cases not yet decided, 6700-3.

Evictions rare; only three on whole estate, with 167 tenants, since 1867, 6693-4.

Effect of Act bad, 6692—It will probably ruin many landlords whose estates are charged, 6704-5.

Arrears small at Charleville, 6688, 6710—Larger elsewhere, where the holdings are under 30 L, 6711-12—On these small holdings prospect of Arrears Bill stops payment, 6697-8, 6713-5.

IMPROVEMENTS:

(1.) *Tenants'.*(2.) *Landlords'.*(1.) *Tenants'.*

Not sufficient to account for reductions of rent, *Atkinson* 4489-503; *Bird* 4679-80; *Hussey* 5490, 5547—Have no apparent connexion with amount of reduction, *Earl of Belmore* 4862; *Thompson* 5238-42; *Dunwoody* 5872, 5929-31; *Wright* 6168-72; *Greer* 7232—Untrustworthy evidence as to, *Barton* 7003-4, 7065, 7070-2.

Sometimes do no good, *Gubbins* 6758—*Eg.*, in cases of badly executed reclamation and draining, and of removing boulders, *Bird* 4698-702—and of planting and removing hedges, *Johnston* 6467-9—Likely, however, to affect judgment of Chief Commissioners unduly, as two out of the three have not had practical experience, *ib.* 6483-8.

In some old losses in Ulster consideration for, expressly given in fixing rent, *Earl of Belmore* 4958-61.

See *Adams v. Dunneath*; *Droilus*; *Reclamation*.

(2.) *Landlords'.*

Do not exclude from Act, where tenant is bound by written agreement to keep buildings in tenantable order, *Walsk* 6065-67—Nor where landlord either does the whole, or (more often) supplies slates and timber, *King-Harman* 7365-71.

Sometimes fail to benefit land owing to tenant's carelessness, *Gubbins* 6759—Instance of arterial drains made by landlord, into which tenants have made no sub-drains, *O'Callaghan* 6904-7.

Amount of, during 40 years, on estate in Mayo, *Thompson* 5142-4—Since 1862 on estate in Clare, *Walsk* 6057-62—Since 1846, on estate in Tyrone (in shape of assistance to tenants' improvements)—rent increased in consequence, *Greer* 7210-21—On estates in Cork and Tipperary slates allowed for new buildings, *Hutchins* 6654-5; *Lloyd* 7104—On estate in Tyrone, considerable sum expended on Board of Works loan, *Greer* 7258-9—On estate in Longford, &c. (1), done formerly to improve estate, and interest charged, *King-Harman* 7353-4; (2) done during distress to benefit tenants, and no interest charged, *ib.* 7349-50, 7353-5.

Installments. See *Works, Board of.*

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Intimidation

Second Report, 1882—continued.

Indivision. Prevents tenants paying rent, a few offering to lend money to landlords, *Lloyd* 7102-3, 7270 1—Mountain land in Tipperary a centre of disaffection, *ib.* 7184-7—Cases in Kerry adjourned owing to threatening notice against landlord, *Hessay* 5455-9—Instances of witnesses refusing to appear for landlords owing to, *ib.* 5550—In Tipperary, tenants threatened if they helped landlord who had been boycotted, *Lloyd* 7116—In Clare, if they paid rent without abatement at 25 per cent., *O'Callaghan* 6832.

Irish Church Commission. See *CHURCH TEMPORALITIES COMMISSION.*

J.

JOHNSTON, MR. HENRY A. (Analysis of his Evidence.)—Is a barrister, and owns land in Antrim and Donegal, 6369-70—Also agent for his father, 6371—who was clergyman of Kilmore, 6387—and in 1878 purchased there 475 acres, of Church Commission, 6372-4, 6379—who had held it since 1871, 6433-4—comprising 55 holdings, with rental of 328 £, 6375-6—Griffith's valuation being 700 £, 6377-8—On two townlands rents unchanged for a century, 6380-2—On another they were slightly raised in 1840, but average still low, viz. 24 s. an acre, 6383-5—Land good, 6386—Tenants asked Mr. Johnston to buy, 6387-8—Only six tenants having bought, 6389—Nor would these have bought had they known he would, 6438—He would have preferred buying only one townland, 6389—Purchase money 14,800 £, of which half was paid down, remainder to be paid off in 20 years, 6390-1—by yearly instalments of 341 £, 6392—This and other outgoings leave 15 £ margin, 6392-3—The land was bought at 23 years' purchase, 6395-6—with Government guarantee and belief that rents could be raised, 6437-8—Conveyance given in full, 6435—About two years ago tenants asked for abatements, 6419—These were not granted, but landlord offered to buy tenant-right at 10 £ an acre if they could not get more for it elsewhere, 6419—Seven-and-a-half acres were so paid for, others obtained 12 £ in open market, 6419-23—Ulster custom prevails, 6431—Under Church Commission tenant-right practically unlimited, 6432-3—Rents well paid to November last; no hanging gale, 6397-400—Employment to tenants during three winters, 6394—Instance of tenant anxious to emigrate, but unable to do so, owing to debts, 6420, 6423-6—17 tenants served notices, 6401—One will perhaps not proceed further, 6401-2—Two cases heard, reducing rent from 29 £ 7 s. 8 d. to 22 £ 15 s., 6416-8; *App. H.* 287—Other cases not yet listed, 6428—More tenants will probably go into court if reductions confirmed, 6429—They are appealed against, 6427—as being unjustifiable, 6476-8.

Two Sub-Commissions sat in Armagh; names given, 6403, 6479—The first more moderate in reductions, and burnt in effigy by tenants; now transferred elsewhere, 6479—Landlords have no confidence in second set, 6466—One of them, Mr. Meek, was Liberal canvasser in Derry and Tyrone, 6405, 6411-15—and made extreme speeches, 6405—He was a small farmer near Cookstown, 6407-10—Instance of agent declining arbitration because Mr. Meek was tenant's valuer, 6406—In this instance Sub-Commission put rent much higher than he had previously done, 6441-3.

Landlord's case at a disadvantage from want of knowledge of questions at issue, 6437-8—and from desire of Court to suppress evidence, 6445—*e.g.*, excluding evidence from letting value of neighbouring lands, 6439—Witness relied upon valuations of Mr. McBride, Mr. Gray, and Mr. M. O'Brien, 6417-8, 6436, *App. H.* 287—The latter valued for Church Commission, and certified copy was obtained, 6446-8—He was an unwilling witness, and landlord not allowed to put necessary questions, 6444-5—Landlord further urged view of Mr. Kelly, that rents must be excessive to justify interference, 6456—Also policy of Landed Property (Ireland) Improvement Act, 1860, sanctioning leases on limited estates at full rent, 6459—He also put in written statement, 6439-40—Tenant's evidence (*e.g.*, as to improvements) frequently false, but not discouraged by Court, 6438, 6472.

No sufficient notice given of judgment, which did not contain reasons, 6470-1—Apparent principle to reduce rents, high and low, from 25 to 40 per cent., 6472-4.

Appeals unsatisfactory (1) because from Court valuation is deducted value of tenant's improvements, 6467—which are very often no improvements, *e.g.*, planting and removing hedges, 6467-9—but probably affect decision, as two out of three Commissioners have no practical experience, 6483-6—(2) Because if difference is small, decision of Court below is confirmed, 6467—(3) Because they are heard by only two Commissioners, and those two lawyers, not practical valuers, 6487-8. Instance of appeal by tenants because rents were reduced only 13 per cent., 6480-2.

Effect

Second Report, 1882—continued.

JOHNSTON, MR. HENRY A. (Analysis of his Evidence)—continued.

Effect of Act to set class against class, 6494—to unsettle tenants, who expect further legislation, 6495-6—and to ruin landlords on estates heavily charged, 6492-3—of which there are many, 6490-1—In witness's case margin of 15*l.* would, at present rate, be turned into serious deficit, 6449-56—Many landlords in Armagh who have bought of Church Commission have only 40 acres each, and pay head rents, 6463—so that outgoings in some cases considerably exceed former rent, 6438—Instances where (1) landlord in humble rank made agreement out of court leaving no margin, 6464—(2) Tradesman who had invested savings in land had rent seriously reduced, 6465.

Jointure. Frequently comes after mortgage, and therefore now still more precarious, *Gubbins* 6811.—See also *CHARGES ON ESTATES*.

Judgments. See *SUB-COMMISSIONS* (3).

K.

Kaine, Mr., Estate of. See *WRIGHT, JOSEPH.* (Analysis of his Evidence.)

Kelly, Mr. (County Court Judge) Held that he could not interfere under the Act unless rents were excessive or extortionate, *Jehanlou* 6456.

Kelp-burning. Importance of, as employment in extreme west, *Bird* 4756—Serious diminution of, in three last years, *King-Harman* 7754.

KENNEDY, ALEXANDER D. (Analysis of his Evidence.)—Solicitor and land agent at Dublin, 6489-501—Is solicitor (1) for receiver of minor's estate in several counties, 6502—(2) For encumbrancer on estate in Cork and Waterford, 6503—(3) For encumbrancer on estate in Limerick, 6527.

(1.) This estate is in Dublin, Limerick, King's County and Queen's County; 233 tenants, and rental 6,000*l.*, 6503-4—No cases heard yet, 6509-10.

(2.) This encumbrance is 50,000*l.*, rental of estate being about 3,000*l.*, 6505-6—with 110 tenants, 6508—Charge for younger children of 20,000*l.*, comes between 18,000*l.* of this and the remaining 17,000*l.*, the other 15,000*l.* being arrears of interest, 6505-13—This arrangement was allowed seven years back, and will now cause loss to encumbrancer, 6502, 6515-6—leaving nothing for subsequent mortgagees, 6514—Receiver put over estate, 6507, 6513—for reasons unconnected with agitation, 6514—and in June 1881 it was put up for sale in Landed Estates Court, 6507, 6511-12, 6515-16—at instance of encumbrancer, 6508—Only one lot sold at 20 years' purchase, 6517, 6522—but purchaser (a tenant) refused to complete, in expectation of Land Act, 6517-8, 6525-6—Out of 14 lots, six were bid for, and the biddings adjourned varied from 15 to 10 years' purchase, 6520-4—Another private offer by a tenant went off because notices had been served, 6519—80 notices served, only one listed, and that not yet heard, owing to block in Court; it has already cost landlord about 30*l.*, 6503-4.

(3.) This encumbrance is 9,000*l.*, 6544—lent in order to meet part cost of purchase in Landed Estates Court in 1877 of estate at Limerick, 6527, 6532, 6543-5—of which minimum value was 18,000*l.*, 6545—and which, with other property, produced 1,127*l.* a year, 6546—Outgoings (including interest on the 9,000*l.*) 706*l.*, 6547-8—Security then considered first-class, 6549-51—Estate consists of 132 acres in hands of 45 tenants, and 75 in hands of landlord, 6538-9—Tenants' part is in market gardens producing rental of 576*l.*; Griffith's valuation being 311*l.*, 6530-1, 6534—Landlord's part is in meadows producing about 400*l.*; Griffith's valuation being 161*l.*, 6533, 6535—Land close to Limerick city, excellent, and of the nature of town-parks, 6536-8, 6542—Property settled, on purchase, and small advances made on it, 6552-3—Rents very old, and well paid, 6554, 6581, but arrears began with agitation, 6555, and on pressure from landlord, his meadows were boycotted, 6556—He had to cut hay himself, with help from Emergency Committee, and made only 130*l.*, 6557—39 tenants served notices, and one case heard, reducing rent from 6*l.* 1*s.* 4*d.* to 4*l.* 10*s.*, 6539-41, 6558-60, 6562-5—Similar reductions would bring total from 576*l.* to 395*l.* (exclusive of 14 acres now taken from the tenants, but also boycotted), 6575-6*—Margin of 400*l.* would become deficit of 100*l.*, 6577, 6517-9, which would fall on encumbrancer, 6576, to whom owner (having gone to Canada) has abandoned estate, 6579-80.

In

* These reductions have since been nearly completed, leaving rental at the rate of 248*l.* for the total, 6561, *App. P.* 306.
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Second Report, 1882—continued.

KENNEDY ALEXANDER D. (Analysis of his Evidence)—continued.

In the case mentioned, landlord argued it was "town-park," and exempted under Section 38 (Sub-sections 1 and 2) of Act, 6583-4, 6603—Court held it was not, 6566-7, because (1) tenant lived on holding, 6585-6, 6593-8—(2) he made his livelihood from it, 6599-601—No question as to improvements, 6591-2, or written agreements, 6593-4—This decision makes it a 15 years' tenancy, 6582—It was a test case, 6572-4—Both sides appealed, landlord as to town park, tenants as to value; both failed, 6568-71—Chance of reversal by Superior Court on legal question not sufficient to warrant expense of further appeal, 6587-90.

Effect of Act to ruin many landlords, 6617-6620.

Reductions made now about the same as at first, 6621.

KING-HARMAN, COL. E. R. (Analysis of his Evidence).—Owns 75,000 acres in Roscommon, Sligo, Queen's County, Longford, and Westmeath, with rental of 40,000*l.*, slightly below Griffith's valuation, 7339-43—which, however, is worth nothing as a guide, 7397-9—Has two estates near each other under totally different conditions, 7344.

(1.) Estate in Longford and Westmeath has rental of 17,000*l.*, rents rather low, 7345, 7358—Holdings of about 35*l.*, 7351-2—Rents well paid down to 1878, 7346—Landlords either did improvements, or (more often) supplied timber and slates gratis, keeping account, 7365-6—Witness's father laid out 41,000*l.* in improvements, charging percentage 7353-4—Witness laid out, during distress, 21,000*l.* in drainage, to assist tenants, giving also seed, &c., but not general abatement, 7348-50, 7353-7, 7426—Turbarry to tenants for themselves at nominal charge, not generally for sale, 7376-9—Hardly any evictions down to 1880, 7373—Process now the only means of getting rent, 7347, 7374-5—Many notices served, and nine cases heard, with reduction of 29 per cent.; landlord appeals, 7359-62—At hearing he suggested that estates were English-managed, 7367-71—And proved that rents dated from before 1854, except in case of interest on Board of Works loan, 7363—Inspection by Court careful, 7364.

(2.) Estate in Roscommon has rental of 23,000*l.*, 7382—Holdings on grass lands of Boyle run up to 400 acres; on mountain side (where they have but little commonage) average 15 acres, 7390-4—Rents low, 7396, and fairly well paid down to 1878, 7380-1, 7417-9—Turbarry as on the other estate, 7400-2—Tenants helped during bad years by gifts of seeds for potatoes, &c., 7386-9—"Relief loan" also commenced, but stopped on account of rebellious attitude of tenants, &c., who now pay rent only "at the point of the bayonet," 7384-5, arrears having risen in three years from 2,500*l.* to 15,700*l.*, chiefly among smaller tenants, 7383, 7396—47 notices served, and five cases heard; no reduction in one, 21½ per cent. in the others, 7403-3—Result rather deters others, 7406—No appeal on either side, 7407-8—Landlord tried to make agreement out of court, and would have given tenants more than they got, 7405, 7410—Arbitration by Court valuer not advisable where there is good estate valuer, 7409-12—as tenants would not abide by it contentedly if against them, 7412-6—763 tenants would claim relief under Arrears Bill, 7420-2—They owe about 7,500*l.*, 7477, viz., in many cases, one and a-half years' rent to November 1881, 7430-2—Most could be recovered in time without sale of tenant-right, 7424, 7433-4, it being by no means always those on bad land who are most in arrear, 7436-7—Those who have spent their money during agitation would be hard pushed, 7435—and could easily prove inability to pay before Court, 7725—Result that landlord would get rather more than half under the Bill, 7423, 7477-9.

(3.) Outlying estate in Queen's County offered for sale to Commissioners, for re-sale to tenants, 7454-6, 7460, 7466—Court valuer went down, and then only one tenant offered as much as 12 years' purchase, 7456—and he held 150 acres of prime land at very low rent, 7459—Commissioners laughed at idea of 20 years' purchase, 7457—and declined to help on transaction as there was so much difference as to price, 7461-5—No inducement now to tenants to buy, 7458.

(4.) Generally: effect of Act to demoralise tenants, 7470-2—and estrange them from landlords, whether the latter have given in to agitation or not, 7521-5—also to ruin many small landlords whose estates are charged, 7482-3, 7486-7—Witness expects selling value of his own estate to be diminished one-half, 7475-6—Instance of landlord with margin of 13½ per cent., and reductions (so far) at 28 per cent., 7484-b—Rent not likely to be better paid than before, 7427-9.

Proceedings of Sub-Commissions impartially conducted, 7448-50, 7453—but no idea as to principles of decision, 7451-2—Appeals often heard by two Commissioners, 7488—These ought to be one legal and one lay; will probably not be so, e.g., in witness's case, where Mr. Vernon is trustee for mortgage, 7489-91—Commissioners do not go much by their valuer's report, if he fixes rent above Sub-Commissioners, 7492-4—Result that two legal Commissioners will judge value of land, 7495-7—That

Second Report, 1882—continued.

KING-HARMAN, COL. E. R. (Analysis of his Evidence)—continued.

7495-7—That value now judged vaguely by price of produce, 7496-502—and proportion to go to landlord, which witness thinks is one-third, 7503-7—Prices now higher than ever in his recollection, 7467-8.

Purchase sections impeded by high price demanded by Government for quit rents, 7469.

Arrears section in Act of 1881 gave too short a time, 7438—An optional system by gift would be used by most landlords for irrecoverable arrears, 7439-40, 7445-8—No class would hold on claim for the sake of power over tenants, 7441-4—But Bill now proposed has stopped payment of rent, 7473—And will do so for the future, 7480-1.

Emigration the only remedy in West, 7518—And would be great benefit round witness's estate, 7513—His own tenants do not require it, 7508-12—But emigration section of Act of 1881 would do no good, 7518—Witness managed "New York Herald" Relief Fund, which did a good deal of emigrating, 7513—Sending chiefly small cottiers, who sold goodwill for a small sum, 7515-6—Families, when they could; failing them, young people, 7513—Great competition for assistance, 7514—Witness sent as many as would go to Canada, where he could arrange for having them met, 7517—Families more willing to go than formerly, as they can sell tenant right; single young emigrants do not, as formerly, bring their families after them, 7520.

L.

Labourers' Cottages. Orders given by Court to build, repudiated by tenants, who look for further legislation, *Gubbins* 6771.

LAND:

In Mayo, poor and ill-cultivated, *Thompson* 5118, 5130, 5199-205—and injured by excessive use of guano, *Bird* 4757-8—Instance of good profit from farm there, *Thompson* 5198—On outskirts of Limerick, about the best in Ireland, *Kennedy* 6538—Rich dairy land near Charleville, in Cork, let at 2 l. per acre, *Hutchins* 6637-41.—Upland in Tipperary, good arable and sheep land, *Lloyd* 7083-4.

Instances of sales of, in 1878, (1) in Donegal, partly to tenants, at 25 to 26 years' purchase, *Hayes* 5287-90, 5327-8;

(2) in Armagh (under Church Commission), at 23 years' purchase, *Johnston* 6379, 6395-6;

(3) in Kerry (in Landed Estates Court), at 26 years' purchase, some of the tenants having bid that amount against purchaser, *Hussey* 5430-8, 5446, 5454—Purchaser then spent 2,300 l. on drainage, &c., without raising rents, *ib.* 5439-43—And on passing of Act tried in vain to get Land Commission to give back purchase-money without allowance for improvements, *ib.* 5462-4.

In Ireland, generally, now unsaleable, *Fitzmaurice* 5793; *Wright* 6268; *Smiley* 6366-7; *O'Callaghan* 6893; *Greer* 7315-6—Instance of estate formerly worth 1,000,000 l., but now probably worth one-half, owing to (1) reductions of 25 per cent., (2) difficulty of selling land at all, *King-Harman* 7475-6.

See LANDED ESTATES COURT.

LAND COMMISSION. At present rate will cost the country 4,000,000 l. before cases are finished, *Hussey* 5647-9.

Land Commissioners. Rule that where two only hear appeals, one should be lay Commissioner, not likely to be kept to in witness's case, where Mr. Vernon is trustee for a mortgage, *King-Harman* 7489—He should try to change his trust, *ib.* 7490-1—as it is a farce for legal Commissioners to decide value of land, *ib.* 7495-7.

LAND LAW (IRELAND) ACT, 1881:

Section 5, Sub-section 3 (Restriction on Sub-letting), *Atkinson* 4506.

Section 8, Sub-section 4 (English Managed Estates), *Walsh* 6065-7; *King-Harman* 7365-71. See IMPROVEMENTS (2.)

Sections 10 (Judicial Leases) and 23 (Limited Owners), ambiguous in their joint operation, *Earl of Belmore* 4875.

Sections 24 to 30 (Acquisition of Land by Tenants).

See PURCHASE SECTIONS OF ACT.

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Section

LAND LAW (IRELAND) ACT, 1881—continued.

Section 32 (Emigration), unworkable, and should be amended, *Foster* 7583-4—Sum set aside not large enough to be of any use, *King-Harman* 7518.

Section 51 (Civil Bill Processes, &c.), effect of, to force ejectments to be brought in County Court; this disastrous to landlords from delay, *Hussey* 5572-80.

See also *Ejectments*.

Section 58 (Tenancies excluded), Sub-sections 1 and 2; decision of Court that market gardens close to town are (1) agricultural holdings—(2) not town parks *Kennedy* 6567, 6583, 6600-1—If tenant (a) lives on them (b) derives livelihood from them, *ib.* 6564-6, 6595-9—Sub-section 3; decision of Sub-Commissioners (now under appeal) that dairy farm where, under oral agreement, tenant might till only two acres out of twenty is not excluded, *Hutchins* 6664-75.

Section 59 (Arrears); a failure, because time allowed was too short, *King-Harman* 7438—And because loans at 8½ per cent. would be advantageous to neither party, *Earl of Belmore* 4035.

For general effect of Act, see **LANDLORD: TENANT**.

Land League. Fostered agitation in Donegal, *Hoyes* 5422—Meeting held at Bantry one day after attempt on witness's life, *Hutchins* 6629—Their attitude towards emigration not hostile, *Foster* 7630-1—Instances where League had no great hold, *Earl of Belmore* 4952-3; *Fitzmaurice* 5829-30.

See **EMIGRATION** (2).

LANDED ESTATES COURT. Instances of purchases of land in, (1) in Clare (1862), at a little over 20 years' purchase, *Walsh* 6032-7, 6063-4; (2) in Monaghan (1871), at 23½ years, *Wright* 6158-8; (3) in Kerry (1879), at 26 years, *Hussey* 5429-33, 5446-54; purchasers in, usually Irishmen who have saved money, *ib.* 5670-4, and buy on the strength of advertisements, *ib.* 5663-9, 5675 (see also *Hoycroft, Mr., Lewis, Mr. H. O., Walsh, Rev. R.* (Analysis of his Evidence)).

Purchasers in, raise rents more than old proprietors, and so force on Land Acts, *Fitzmaurice* 5796-8; instances, however, where they have not raised rents, *Dunwoody* 5948-50; *Walsh* 6038-40, 6053-6; *Wright* 6159-61.

Reductions on land purchased in, about 25 per cent., *Hussey* 5676-8; instance where 20 per cent. on old rental, *Dunwoody* 5946-57, *App. E.* 264; also of estate near Limerick bought in 1877, and then worth about 1,000 £ a year, where margin will not now safely interest on mortgage of 9,000 £, *Kennedy* 6543-51, 6602, 6619.

Attempted sale in, of estate in Cork, in June 1881, resulting in one incomplete sale at 20 years' purchase; no other lot being bid more than 15 years for, *Kennedy* 6507-8, 6511-26.

Commissioners of Education should have power to sell in, *Earl of Belmore* 4963-5.

Landed Property (Ireland) Improvement Act, 1890. Authorizing leases on limited estates, provided rent is the best "that can reasonably be gotten," used in argument by landlord, *Johnston* 6489.

LANDLORD. Attacks on, in Court, stopped by Sub-Commissioners, *Bird* 4854—Frequent, and tolerated by Court, but applause suppressed, *Hoyes* 5400-12.

Tendency of Act to make them harder in dealing with tenants, *Thompson* 5272-5; *Saukey* 6365—and unwilling to improve property, *Hussey* 5628; *Lloyd* 7158-9, 7161.

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Osborne, Mr. Estate of, in Kerry. See *HUSSEY, SAMUEL MURRAY*. (Analysis of his Evidence.)

O'Shea, Mr. Cases of, at Thomastown; landlord called no evidence, and Sub-Commission (after inspection) reduced the rents 15 or 20 per cent., *Adams* 4975.

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Poor Law Guardians. Their attitude towards emigration; See *EMIGRATION* (2).

Potatoes. See *Seed Potatoes*.

Pre-emption, Right of. A protection to landlords, though premature to say how it works, *Atkinson* 4512-7.

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See also *EMIGRATION* (2).

Purcell, Mr. Tenants' arbitrator in Clare, refusal of, to act with those chosen by landlord, *O'Callaghan* 6859.

PURCHASE SECTIONS OF ACT: (Part V. ss. 24-30.)(1.) *Operation.*(2.) *Suggestions for Amendment.*(1.) *Operation:*

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(2.) *Suggestions for Amendment:*

Importance of amending, *Atkinson* 4562-3; *Bird* 4827, 4835-6; *Hayes* 5427—Because present system of joint-ownership will ruin many landlords, *Bird* 4829-34, and is bad for the country at large, *ib.* 4865-8.

Where judicial rent is not fixed, price should be settled by separate tribunal, *Atkinson* 4555-6—Where fixed, Government have sufficient information and good security for an advance, *ib.* 4553-4.

Government should (1) buy of landlords willing to sell (as most now are) at maximum of 24 or 25 years' purchase, *Greer* 7304-8, 7313—with addition in case of tenants in arrears, *Hayes* 5427—(2.) Induce tenants to buy by amending "Bright" Sections, *Greer* 7309-12—Landlord who has failed to agree with tenants for purchase should be able to call on State to buy, with a view to re-sale to tenants who would then be willing to buy, *Earl of Belmore* 4884-93; *Wright* 6270-6—A minimum price should be fixed, so as not to be loss to Exchequer, on basis of Griffith's valuation, plus a varying per-centage, *Earl of Belmore* 4894-901—But not varying according to political condition of district, *ib.* 4902-7—Objection to State as landlord not valid, *ib.* 4915-8—Experience in favour of scheme from sale of glebe lands, *ib.* 4919-20.

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Q.

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R.

Rethdonnell, Lord. Unsuccessfully attempts to work Purchase Sections under the 35 years' system, *Wright* 6248-50.

Royceft, Mr. Tradesman in Macroom, who bought land in 1872 for 8,000*l.* in Landed Estates Court; Sub-Commission is reducing his rent by one-third, and he has to return to trade, *Hussey* 5663-70.

Reclamation, of bog land in extreme West possible, but not likely to be remunerative, *Tuke* 7803-5—of Burren land in Clare consists merely in taking off stones and building dry walls with them, *Walsh* 6058—Instance where tenant claimed for reclamation not done within 40 years, *Barton* 7065.

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(1.) *Generally.*

(2.) *Judicial.*

(1.) *Generally:*

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Still well paid in Fermanagh, *Earl of Belmore* 4944—In Monaghan, *Dunwoody* 5856-7—In Tyrone difficult to collect now, owing to (1) contested election; (2), bad harvest of 1879; (3) inflation of tenants' credit by Act of 1870, and consequent borrowing, *Earl of Belmore* 4921-2—Instance in Clare where two tenants paid half a year's rent clandestinely, after agitation began, *Walsh* 6140.

That of 1840 fair still in butter districts, not in wheat, *Hussey* 5620-3—Instance of voluntary reductions since 1840, from 2,376 *l.* to 2,100 *l.*, *Hussey* 5472-9—from 2,342 *l.* to 2,055 *l.*, *Hutchins* 6643-7—from 1,500 *l.* to 950 *l.*, *Lloyd* 7087-91—On estates in Donegal rather above Griffith's valuation, *Hayes* 5282-4, 5301-2—But not up to valuation of 1858, *ib.* 5285-7—Not an important element on small holdings in West, *Bird* 4753-5; *Thompson* 5195, 5207; *Tuke* 7806-7—On estate in Mayo, about 2*s.* 6*d.* an acre, *Thompson* 5196.

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(2.) *Judicial:*

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Fixed by price of produce, *Atkinson* 4596-8, 4600 3; *Bird* 4772-6—but no inquiry by Court as to this, *Hayes* 5427—By amount of stock which land will bear, *Walsh* 6101—Conflicting evidence as to this, *ib.* 6102-7—Doubt what proportion of net profit is allowed to landlord, *Atkinson* 4604-11—A varying proportion of gross produce, *Bird* 4762-7—but never more than half net profit, *Atkinson* 4605.

Should be letting value less present value of tenant's improvements, *Atkinson* 4593-5—Should be fixed by price of produce, which is now much higher than at time of Griffith's valuation, *Greer* 7323-5; *King-Harman* 7467-8, 7498-502—Landlord should have one-third of value of produce, *ib.* 7503-7—Tenant should have at least two-sevenths of gross produce, *Gubbins* 6729. See VALUATION (2).

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(2.) Of rent further reduced on landlord's appeal, *Hussey* 5497-8, 5633-6.

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Richardson, Mr., Estate of, in Monaghan. See *DUNWOODY, FORSTER*. (Analysis of his Evidence.)

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SINKEE, HARRY S. (Analysis of his Evidence.)—Owns estate in Cavan of 2,106 acres, and 1,367*l.* rental, holdings being small, 6288-93—Griffith's valuation in 1854 was 1,122*l.*, 6294-9—But this is no test of letting value in South, 6319-23—Rents unchanged since 1857, 6299, 6318—In 1850 rental was 1,295*l.*, 6317—Tenant-right allowed up to 8*l.* or 10*l.* an acre, 6300—Tenants had turbarry for themselves on nominal payment, 6301—Rents well paid, and no complaints, until lately, 6302-3—Nearly 30 out of 65 tenants served notices, 6291, 6304—The rest will do so, 6352—Five cases heard, 6305—Sub-Commissioners reduced rent from 97*l.* 7*s.* 5*d.* to 78*l.* 10*s.*, which was raised, on appeal, to 82*l.*, 6306-9—Reduction 15 per cent., 6310.

Witness attended inspection of land by Court, 6342—Names of Sub-Commissioners given, 6347-51—Inspection was in hard frost, 6336-9—when it was impossible to judge produce, 6344—and when land was nearly barren of stock, 6345-6—They hurried over ground, visiting 250 scattered acres between 3 and 4.30 p.m., 6340-3.

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Effect of Act to estrange landlord and tenant, 6364-5—and to ruin those, like himself, whose estates are charged, often by their predecessors, not themselves, 6359-63 In his case outgoings amount to 966*l.*, without agent's fees, 6354-6—Reductions at present rate would leave practically nothing, 6357-6—Land now unsaleable to the public, 6366-7—and tenants not disposed to buy, hoping to get it for nothing, 6368—Arrears more frequent with small tenants than large, 6334-6—But all are well up now, 6327—There is no organised refusal to pay, 6328-30.

Seed Potatoes. Advanced in 1879 to tenants in Clare, and loan repaid in nine months, at 2*d.* per stone under cost price, *Walsh* 6072—Large gifts of (*e.g.*, 500*l.* worth of Champion in 1880) on estate in Roscommon, &c., *King-Herman* 7389.

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Shopkeepers. As guardians, opposed to emigration. See *ENIGNATION* (2)—Debts to. See *ARREARS* (1).

Sub-Commissioners:

Names of, in Carlow, *Fitzmaurice* 5753-5—In Monaghan (two sets—in part), *Dunwoody* 5886; *Wright* 6174-6—In Clare, *Walsh* 6096-3—In Limerick and Clare, *Atkinson* 4470—In Cavan, *Sinkee* 6347—In Armagh (two sets), *Johnston* 6403, 6479—In Tyrone (two sets), *Greer* 7267-8—First set of, in Armagh, comparatively moderate in reductions, hence burnt in effigy by tenants; afterwards transferred elsewhere, *Johnston* 6479—Second set, opposed to landlords, *ib.* 6466—trying to suppress their evidence; refusing, *e.g.*, that from value of neighbouring lands, *ib.* 6439, 6445—So also in Tyrone, *Greer* 7264-6—where under similar conditions, first set reduced rent 16 per cent. and second set, 30 per cent., *ib.* 7269-75; *App. N.* 293—In Clare, careful and courteous, but wanting in practical knowledge, *Walsh* 6093, 6100.

See *McCarthy, Mr.* *Meek, Mr.*

SUB-COMMISSIONS:

- (1.) *Constitution of Court.*
- (2.) *Inspection of Holdings.*
- (3.) *Judgments.*

(1.) *Constitution of Court:*

There are 16 Sub-Commissions, costing 60,000 l. a-year, *Adams* 5065-6—Short tenure of office unfortunate, *Bird* 4737—Removal from place to place inconvenient, *Earl of Belmore* 4682-3—Proceedings in Court impartially conducted, *King-Harman* 7448-50, 7453—Doubt whether opinion of legal member must prevail on point of law, *Atkinson* 4516-9, 4659-60—In theory lay members do not vote on point of law, *Bird* 4723-4.

Suggestions (1.) that number of Sub-Commissions should be doubled, *Adams* 5064-5:

(2.) That Court should consist of one Judicial Commissioner and two Assessors (experts), who should report and be examined, *Atkinson* 4527-37; *Bird* 4721-2, 4735-6—when their impressions might be modified or rebutted by counter evidence, *ib.* 4760-2:

(3.) For preliminary valuation by Court, report of valuer to be published, and appeal allowed either to Sub-Commission or Head Commission, *Bird* 4725-6, 4799; *Greer* 7319—which would very much reduce number of Sub-Commission required, and save expense, *Bird* 4727-9—but might require new Act, *ib.* 4730:

(4.) For reference by both parties to a valuer, *Adams* 4694.

(2.) *Inspection of Holdings:*

Important factor in deciding cases, *Atkinson* 4477; *Bird* 4777-8; *Barton* 7019—Employs nearly half the time, *Atkinson* 4520-3—So that some of the cases listed do not come on, *ib.* 4575-6—Generally done by all three together, *Sankey* 6348-51—Instance in Clare where it was done by two, *O'Callaghan* 6917—Done with care, *Bird* 4766-96, 4662-3; *Hoyes* 5427; *O'Callaghan* 6916-9; *King-Harman* 7364—testing soil and examining outlets of drains, *O'Callaghan* 6931-6—Each tenant allowed to be present on his own holding, and to give evidence as to improvements, &c., *O'Callaghan* 6920-3, 6925—When time presses, or there is great discrepancy as to value, court valuer employed, *Atkinson* 4524.

Instances where:

(1.) In Carlow, 396 acres were inspected on one very wet afternoon, *Fitzmaurice* 5712-20, 5731-46:

(2.) In Cavan, 250 acres of scattered land were inspected in one and a-half hours, *Sankey* 6340-3—after a fortnight's hard frost, *ib.* 6336-8—when produce could not be judged, and land was nearly barren of stock, *ib.* 6344-7:

(3.) In Cork, 600 acres were inspected in six hours, soil being tested only in two places, *Hutchins* 6676-80.

Report of, should be disclosed in Court, *Atkinson* 4525-6—but inspection does not generally take place until afterwards, *Bird* 4797-6—Single inspection by strangers likely to lead to fallacious results, *Bird* 4661, 4779, 4787, 4864; *Fitzmaurice* 5752.

(3.) *Judgments:*

Not sufficient notice of them given, *Johuston* 6470-1—Their principles not known, *Earl of Belmore* 4954-5; *Wright* 6173; *Greer* 7246-9, 7276; *King-Harman* 7451-2—Except that they strike a mean between the two valuations, and make a rule of reducing more or less, *Wright* 6264-7—but apparently on different scales at different times, *Thompson* 5223-4—Do not contain reasons, *Atkinson* 4540-1, 4591-2; *Adams* 4971; *Thompson* 5166, 5227; *Hoyes* 5324, 5427; *Hassey* 5491-2, 5499, 5561; *Dunwoody* 5869-70, 5921; *Johuston* 6470; *Barton* 7063-4—Exception to this rule, *Adams* 5005-8—Legal analogies (i.e. Juriee and Privy Council), *Adams* 5016-8, 5031-3—which must not, however, be pressed too far, as this is in some sort a revolutionary tribunal, *ib.* 5014-15, 5020, 5049-51—They are in future to contain list of tenant's improvements, *Atkinson* 4548-50.

Should disclose (1) letting value; (2) tenant's improvements; (3) deduction on account of them, *Atkinson* 4504; *Bird* 4695-7—This would help people to settle out of Court, *Atkinson* 4612; *Bird* 4710-3; *Hassey* 5662—and produce uniformity of decisions, *Atkinson* 4613-4—and clear the ground as to appeals, *Bird* 4709.

Should not include reasons, *Adams* 5009, 5021—As it would entail loss of time, *ib.* 5010, 5022—and provoke appeals, *ib.* 5023-6, 5053, 5060—and shew that Court sometimes arrived at unanimous conclusion for different reasons, *ib.* 5010, 5027-30, 5042-8—Proposal that Court should state value of farm and value of tenant's improvements separately, open to similar objections, *ib.* 5034-41.

Sul-Letting. Restriction on, after fixing of rent, by Section 5 of Act, *Atkinson* 4506.

Second Report, 1882—continued.

T.

Taxes. Local, paid by landlords, do not exceed 2*l.* on holding of 50*l.*, *Earl of Belmore* 4963.

TENANTS:

In the past, easy to deal with, *Thompson* 5147, 5244; *Sankey* 6364.—So far contented as to pay rent well, *Hayes* 5303.—Did not complain of rents before 1879, *Fitzmaurice* 5703-6, 5728.—Difficulty of testing their ability to pay, *Dunwoody* 6027-9.—On estate in Mayo very poor, living much by sale of turf, and by labour in England, *Thompson* 5206-12, 5250, 5255 7.—In Longford, pay rent greatly by labour in England, but probably could pay it off the land by hard work, *King-Harman* 7508-12.—In Donegal, often idle and thriftless, only a few making improvements, *Hayes* 5377-80.—In Tyrone, industrious and thriving, making improvements, *Greer* 7234.—In Clare, law abiding and truthful, *Walsh* 6078.

Assisted by allowances, &c., in winter, *Thompson* 5150.—By present of year's rent towards emigrating, *Walsh* 8032-3.—By abatement in 1879, and advance of seed, &c., *ib.* 6070-2.—By employment in winter instead of abatement, *Johanson* 8394, 6419.—By employment, presents of seed, and special abatements, *King-Harman* 7348-9, 7388-9, 7426.—By abatement (not always to the extent demanded), *Fitzmaurice* 5707-8, 5728; *Hutchins* 8651-3; *O'Callaghan* 6853-4, 6899; *Lloyd* 7094-101.—At time of famine, by remitting 5,800*l.* of arrears, abatement of 25 per cent., and re-valuation, *O'Callaghan* 6902.—Assistance towards building not usual in Clare, *O'Callaghan* 6850.—Comparative prosperity of, there in 1881, *Walsh* 6073-5.

Sudden change in relations to landlord when Land Court began to sit, *Thompson* 5243-5.—When agitation began, *Walsh* 6076, 6109-10.—Agitators, not tenants, to blame, *O'Callaghan* 8899.—Change dates from Act of 1870, but began to show itself openly after 1878, *Hayes* 5419-28.—Caused by Act of 1831, *Hussey* 5549; *Fitzmaurice* 5783-4; *Dunwoody* 5958-9; *Wright* 6251; *Johanson* 6494; *Barton* 7029-32; *King-Harman* 7470-2.—Affecting all landlords, whether they have stood out against agitation or no, *ib.* 7521-5.

Demoralised by Act, though farming as well as before, *Lloyd* 7153-7; *Fitzmaurice* 5785.—Not free agents in coming to terms, owing to boldness and success of agitators, *Gubbins* 6777-80, 6814.—and who make them go into Court, *Fitzmaurice* 5785.—More go in on small estates than large; reasons for this, *Dunwoody* 5973 6.—They are not going in so fast as at first, *Atkinson* 4641.—Popular sympathy when they do, *ib.* 4657-8.—More will come in, if present reductions are confirmed on appeal, *Johanson* 6402, 6427-9.—*Contra*, disappointed at amount of reductions, and hoping for further legislation, *Atkinson* 4642; *Gubbins* 6770-1; *Greer* 7317-8.—to be obtained by agitation, *Johanson* 6495-8; *Lloyd* 7162-4.—and therefore unwilling to be bound for 15 years, *Dunwoody* 5962-5, 5981-8, 5991.—See *Intimidation*.

TENANT-RIGHT:

(1.) *In the Past:*

In Ulster: averaged 18½ years' purchase in Donegal, *Hayes* 5298-300.—from 12 to 15 years, *Barton* 5969-72.—10 to 14 years on estate in Tyrone, *Greer* 7234.—In Monaghan, sometimes rises to 18*l.* per Irish acre, *Dunwoody* 5852-5.—Unlimited, *ib.* 5909-11.—In Armagh, landlord in 1881 offered 10*l.* an acre (7 years' purchase), unless they could get more in open market, *Johanson* 6419-23.—It has been known to fetch 20*l.* on this estate, *ib.* 6431-3.

Elsewhere: silently allowed on estate in Mayo, *Thompson* 5135-8.—Sometimes amounting to over 8 years' value, *ib.* 5137, 5148-9.—There called "soil money," applying to unexhausted manures, *Dunwoody* 6030.—Sometimes allowed on estate in Clare, *Walsh* 8084.—and sales not prevented by increasing rent, *O'Callaghan* 6900.—On estate in Cavan allowed up to 8*l.* or 10*l.* an acre; would have fetched much more, *Sankey* 6300.

(2.) *Under the Act:*

Arrived at by adding maximum compensation for disturbance to value of improvements, *Bird* 4741-2.

Generally valued at a considerable sum, *O'Callaghan* 8901.—At from 3 to 7 years' purchase (but would fetch more in open market), *Atkinson* 4507-11.—Just over 4 years, *Walsh* 6063, 6085.—From 8 to 10 years, *Adams* 4991.—Probably amounts to one-third of total value of holding, *Bird* 4828, 4839-41.

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Second Report, 1882—continued.

TENANT-RIGHT—continued.

(2.) Under the Act—continued.

Is a security for rent, not often used, but one which it would be a grievance to have taken away, *Hayes* 5359-57; *Dunwoody* 6005-14, 6017-23—Though some really poor tenants might fairly be assisted thus, *Dunwoody* 6015-6—And some landlords would be glad so to get part of arrears, 6021—Not an available security, as agitation prevents free sale, *Walsh* 6134-5.

See *Cloncurry, Lord*. *Pre-emption*.

THOMPSON, R. WADE. (Analysis of his Evidence.)—Agent to his father, whose property in Mayo, near Ballina, was bought before 1842; 5106-10, 5258—and consists of 5,826 acres in tenants', and 1,564 in landlord's hands, 5111-13—Rent raised gradually from 675 £ in 1842, to 697 £ in 1881 (Griffith's valuation being 691 £), divided among 120 tenants, 5114-7, 5119-29, 5196-7—Land generally poor, like most in Mayo, 5118, 5190, 5199-201—and ill-cultivated, 5205—chiefly by hand, all working, 5204-7—They make butter as well as grow potatoes, corn, and turnips, 5202-3—Instance of good profit on farm held by sub-agent, 5198—Tenants have free turbary, and right to sell on nominal payment, 5132-4—They live in mud cabins, 5212—on 30 £ to 40 £ a year, derived greatly from sale of turf, 5208-11—and labour in England, 5256-7—Rent not an important element in their expenditure, 5195, 5207—But some of them very poor, 5250, 5255—Estate low-rented compared to neighbours', 5145-6, 5233—Re-valuation in 1868 brought rental up to 1,000 £, 5138-40—But not acted upon, 5141—Estate not mortgaged, 5131.

Tenant-right silently allowed, sometimes amounting to more than 6 years' purchase, 5135-7, 5148-9.

Improvements by landlord since 1844 amount to 1,273 £ spent on roads, and 1,076 £ on labour, 5142-4.

Allowances made in winter (especially 1879) to tenants, 5150.

No difficulty formerly in dealing with tenants, 5147, 5244—Sudden change when Land Court began to sit, 5245—tenants hoping to get something, and thinking they must fight for it, 5245.

Nearly all tenants served notices, 5151-2—Nine cases heard, 5153-5—In eight of these reduction is about 20 per cent., 5157-61, 5167-73; *App. B.*, 290—In the ninth case there is a rise of 1 £, 5156—The other cases still pending, 5174—The eight cases appealed against by landlord, and soon to be heard 5175, 5191, 5225-6, 5192-4—The nine cases perhaps rather more above Griffith's valuation than others on the estate, 5183-4—But never objected to before, and rent raised similar to those reduced, 5182, 5221-2—Judgment in this case given later, 5223-4—It has somewhat frightened other tenants, 5228—Neighbouring estates, with higher rents, only reduced 25 per cent., 5236-7—Showing that landlords suffer for having been lenient, 5233-5—and tending to make them less so in future, 5272-5.

Valuation by landlords at hearing, above old rent, sometimes above valuation of 1868, 5176-8—No systematic valuation by tenants, 5179-81—Court inspected holdings in presence of landlord's sub-agent, 5162-5—No relation between tenants' improvements and reductions, 5238-42—No reasons given for judgments, 5166, 5227.

Costs not given against landlord in these cases, though in all others at same sittings, 5229-32—Landlord's own costs (excluding solicitors' fees), for the nine cases amount to 75 £, 5185-9—He will not incur this expense in other cases, 5190.

Arrears dating from 1848 paid off about two years ago, 5247-9—Estate not generally in arrear, 5250—But about twenty of smallest tenants are several years in arrear, 5251, 5261, 5285-70—Some of them probably have money this year, 5246, 5259-60—They pay off a certain amount, but most would not be recovered without Arrears Bill, 5252-4—No eviction in last forty years, 5262—Writs served and always successful, except in one case where tenant was spared, 5263—Similar condition on other estates, except that landlords may not have been so lenient, 5264, 5271.

Emigration frequent, to United States, not Canada, 5218-4, 5218-9—The strong and healthy go, seldom whole families, 5216-7, 5220—They probably find the money themselves, 5215.

Timber. Allowed to tenants at nominal price, *Hayes* 5297.

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T T 2

Title

Title Rent-charge. Purchase of, by instalments spread over 50 years, *Hoyes* 5330-5—These should now be reduced, *Hoyes* 5427—or altogether condoned by Government, *Gives* 7314, 7326.

Town-Park. Exemption of, from Act, under Section 58, Sub-sections 1 and 2, held by Court not to apply to market gardens at Limerick, where (1) tenant lived on his holding; (2) he derived his livelihood from it, *Kennedy* 6529-30, 6536-7, 6542, 6567, 6583-6, 6595-601—This a test case, *ib.* 6572-4—Decision makes it 15 years' tenancy, *ib.* 6582—Reductions in these and similar cases, *ib.* 6566-8, 6575-6, *App. P.* 306—There was no question as to improvements, *ib.* 6591-2—Nor as to necessity of written agreement, *ib.* 6593-4.

Appeal to Chief Commissioners failed, *ib.* 6569-71—Chance of reversal by Superior Court on legal question not sufficient to justify expense, *ib.* 6587-90.

See *LAND LAW (IRELAND) ACT*, 1881.

TUKER, JAMES H. (Analysis of his Evidence.)—Greatly interested in Ireland ever since famine; visited it in 1880 to relieve distress, and again in connection with Duke of Bedford's Committee for emigration from West, 7648-52.

(1.) *Need of emigration great* in poorest unions in West, 7653, *e.g.*, on one townland in Mayo, 25 families live on land valued at 40 *l.*, and owe more than 700 *l.* between them, 7673, 7777, 7778-81—debts being divided nearly equally between rent and shop debts, 7782-3, *App. Q.* 303—In Clifden Union 1,000 families live on land valued at 2,000 *l.*, and average only two acres (arable) per holding, 7673, 7778; *App. Q.* 307—No employment to be got in Connemara, even on roads, 7688-93—and holdings so small that rent does not make the difference of gaining a living, 7800-2, 7808-8—Poverty itself has checked emigration, 7809—And although population of Connemara has diminished by 20,000 in ten years, another 20,000 ought to be sent, 7810, 7820-2—or poverty will be intensified, 7811-2—Capital could not be remuneratively applied in reclaiming bog there, 7803-5—Cost too difficult for fishing, except with large and expensive boats, 7679—Most of the men cannot come to work in England, being too poor, and speaking only Irish, 7674—Possibly some manufacture might be fostered, *e.g.*, of homespun goods, 7677-8—But nothing on large scale owing to difficulty of access, and want of fuel, 7825-9.

(2.) *Attitude towards emigration* (a) of people themselves, changed, 7714—In famine times they went, but unwillingly, 7731-2; in later times some of those who had money enough went, 7753—but only lately they have learnt that it is the sole remedy, 7713, 7750, 7757; *e.g.*, in Clifden poverty has increased from diminution of kelp burning and of common grazing land, 7754-6—(b) of guardians (shopkeepers) hostile 7722, 7740-3—They like to keep people on, hoping to get something out of them, 7722-6—Though their real interest, if they could see it, would be to have fewer and better-to-do customers, 7744—Clifden guardians passed resolution for granting 2,000 *l.* to meet 5,000 *l.* from Bedford Committee, but afterwards rescinded it, 7672—(c) of priests, doubtful; most approve of sending individuals, but not families, 7759-67—(d) of landlords favourable, 7791-3.

(3.) *Class to be taken*, whole families, 7669—200 such sent, many being evicted tenants, 7745-9—Not old persons, unless there are several bread-winners, 7680—who can support them out there, 7682-3—In absence of those, either family left behind, or one or two young ones sent, 7681—A young couple, with six or seven children, should not be sent, 7695-7—If whole family sent, whole cost must be paid and arrangements made for them on landing, 7694, 7701-2—This is why Mr. V. Foster prefers sending individuals, 7698-701.

(4.) *Modes operandi* of Bedford Committee was by relieving officers asking if any wished to emigrate; many in Clifden Union did wish it, 7657, 7769-70—Applications not signed by priests, 7768—Emigrants clothed and sent from Galway Harbour, cost being paid direct to shipowners, 7675-6—Time for starting from March to May, 7796—Some complaints as to food on emigrant ship "Winnipeg," 7703-6.

(5.) *Cost*, 6 *l.* to 7 *l.* per head, including 1 *l.* for outfit, 7659-9, 7671, 7823-4—Very few could pay any part themselves, 7671.

(6.) *Destination* chosen by emigrants if they had friends, 7660—If not, Committee sent them, having voluntary agents in States, 7660-1—and Castle Garden Association, New York, will also assist, 7798-9—Those who went there were well placed, 7663—But feeling in States is against Irish immigration, 7662—Emigrants objected at first to Canada, merely from ignorance, 7665, 7773-6—They have now begun to go there, 7664—and Canadian Government place them, 7662—Private companies there do not care for emigrants without small capital, 7666-8—No apparent limit yet to number which Canada and States can take, 7797,

TURNER, JAMES H. (Analysis of his Evidence)—continued.

7797, 7812-3—This depends more on trade in America than on area of unoccupied land, 7814-7.

(7.) *Result satisfactory* both in States and (so far as known) in Canada; some of the men earning from 6 s. to 12 s. per day, 7684-7, 7771-2.

(8.) *State aid* to emigration necessary to make it effectual remedy, 7654, 7708—and this the right moment for it, 7758—It should be assisted, not compulsory, 7655-6—Unions in West too poor to do it alone, 7657—some of them having been just saved from bankruptcy by State aid, 7707—The best way would be (e.g., in proposed clause in *Arrears Bill*) to add to four or five scheduled unions a wider area in which grants may be made, 7715-21—Incidence of rates being unequal in different parts of the same union, 7721—Some unions would borrow to meet State grant, 7712, 7726—But guardians sometimes unwilling to part with people, 7737-9—And poor law principle does not admit of compulsion, 7732—Therefore Lord Lieutenant should be able to make grants to voluntary societies instead, 7726*-31, 7733-5—The 25,000 who now emigrate yearly from West might be doubled, 7709—Arrangements should be made for receiving them, principally in Canada, 7709-11.

(9.) *Arrears*, best remedied by simple Insolvent Debtors' Court both for rent and shop debts, 7787—Shopkeepers, who now keep debts over people's heads, 7788-90—would be very willing to compound for dividend, 7784-6, 7794-5.

Turnery. Free to tenants, and right to sell turf on nominal payment, *Thompson* 5132-4—Profit on this, *ib.* 5209-11—At nominal price, *Barton* 6948, 6967-8—At nominal prices up to certain point, *Hayes* 5291-6; *Sankey* 6301—At nominal prices to tenants, not for sale, except to supply town, *King-Harman* 7376-9, 7400-2—Generally in the past free to tenants, with right to sell, *O'Callaghan* 6848-8—Necessary now to restrict sale, *ib.* 6849—Taken away, because tenants boycotted the bog, *Lloyd*, 7105-7.

U.

Ulster. See *TENANT-RIGHT*:

United States, Emigration to. See *EMIGRATION* (6).

V.

VALUATION:

- (1.) *Court.*
- (2.) *Landlords'.*
- (3.) *Tenants'.*

(1.) *Court:*

(a.) By Sub-Commissions: they employ valuer when time presses, or when there is great discrepancy as to value, *Atkinson* 4524—They should employ one always, as Chief Commissioners do on appeals, *Dunwoody* 5979-80.

(b.) On appeal: by valuer sent down, *Thompson* 5193-4; *Hussey* 5500-4—Want of notice to landlord, *Bird* 4740; *Hussey* 5543—Objection that strangers may be easily deceived as to value of land, *Hussey* 5533-7—Report of valuer produced in Court if called for, *Hussey* 5501-3—It is generally, not always, adopted by Court, *ib.* 6338-46—Not generally where it exceeds rent fixed by Sub-Commissions, *King-Harman* 7492-4—Instances where valuers for Court and for landlord both valued land at nearly existing rent, *Sankey* 6311, 6331-2—yet Court put rent 12 per cent. below their own valuer, *ib.* 6315, 6315-8—in spite of absence of improvements and admitted deterioration, *ib.* 6312, 6314, 6333-5.

See *SUB-COMMISSION* (2).

(2.) *Landlords':*

Fix value of land as it stands without considering improvements, *Adams* 4984-6, 5002—or considering them separately, *Gubbins* 6736-7—going by price of produce rather than by competition value, *Atkinson* 4674; *Adams* 5093-101—Conducted by witness on basis of average of last five years, *Gubbins* 6722—taking into consideration effect of American competition, *ib.* 6723-4—next calculating what stock land will carry, *ib.* 6727, 6733-4—then (after deducting expenses) dividing proceeds so as to give tenant fair profit and landlord fair rent, *ib.* 6728, 6731, 6735-6, 6780-2—When gross produce is 300 l. tenant's portion should be about two-sevenths, *ib.* 6729-30, 6737-40—A larger fraction on smaller farms, *ib.* 6793-7—This basis the result of experience, *ib.* 6732—Other valuers have different ones, *ib.* 6742-5.

Difficulty of getting practical farmers to undertake them, *Atkinson* 4570-1— Or of getting
(37—*L. EXP.*) Y Y 3 getting

VALUATION—continued.

(2.) *Landlords*—continued.

getting correct valuations made by any one, *Bird* 4855-9—It is best to get valuers from a distance, *Hutchins* 6684-5—They are expensive, *Fitzmaurice* 5724-5—Details of payment, *Hussey* 5516-27—The difficulty and expense are partly owing to intimidation, *ib.* 5511, 5551-2—Which would make landlords unwilling to expose friendly tenant farmer to the risk of valuing, *Barton* 7023-5—Tenants ready to facilitate their valuation, *Gabbins* 6746-6—Demonstrative, however, in court when they give evidence, *Bird* 4842-4—Sometimes landlords give evidence themselves, *Fitzmaurice* 5721-3, 5726-8; *Walshe* 6094-5—not having sufficient notice of trial to get valuer, *Lloyd* 7126-31—Sometimes both give evidence, *Greer* 7225-7, 7242-4.

Pnt value unduly low, owing to previous decisions and absence of competitive test, *Hussey* 5553-60—Reduce by 20 per cent., owing to agitation, not to previous decisions, *Adams* 4972-7, 4979-82, 5001-4—Instances of, higher than valuation of 1866, *Thompson* 5176-6—higher than present rent, *Hayes* 5314-5, 5395-6—nearly equal to it, *Dunwoody* 5865-7, 5876, 5914-20, 5954-5; *Johansen* 6417-8; *App. H.* 287—slightly below, *Greer* 7244—Later valuations more favourable to landlords than earlier, *Atkinson* 4572-3.

Taken as a maximum by Court, *Atkinson* 4569—Considerably above judicial rent *Gabbins* 6741, 6792—Disregarded, *Bird* 4731-4, 4660-1; *Hayes* 5427; *Dunwoody*, 5976—Very much leant upon, *Adams* 4971 (see *Cloncurry*, *Lord*; *Dowville*, *Sir C.*; *Bushe* (minor))—Valuer not always examined in Court, *Barton* 7066—A man struck by Court between valuation of parties, *Wright* 6265.

(3.) *Tenants*:

Done by practical farmers, *Walshe* 6096-7; *Gabbins* 6749-51; *O'Callaghan* 6862-3; *Atkinson* 4654-6; *Dunwoody* 5866—By neighbours, *Hayes* 5427; *Hussey* 5512; *Fitzmaurice* 5729-30; *Hutchins* 6682-3; *Greer* 7245—By "tenant farmers, small auctioneers," &c., *Lloyd* 7139—a class of cheap valuers having now arisen, *Barton* 7021-2—Not systematic, *Thompson* 5179-61—Have no principle except desire for reduction, *Gabbins* 6753.

Generally fix rent very low, *Atkinson* 4653—sometimes 20 per cent. below land lord's valuer, *Gabbins* 6752—Instance where valuer, who valued for landlord 20 years ago, now values at half existing rent, *Walshe* 6097-8.

Tenants' evidence with regard to value furnished by themselves, their families, &c., *Barton* 7005—and absurd, *Thompson* 5245—untrustworthy, but not discouraged by Court, *Johansen* 6472; *Hayes* 5397-9, 5427—Instances, *Barton* 7008-9—So also as to improvements, *ib.* 7003-4—Instances, *Hussey* 5636-6; *Barton* 7065, 7070-2.

Seem to be accepted by Court with little hesitation, *Hayes* 5427—Disregarded, *Dunwoody* 5978—Tenant's evidence so much more attended to that landlord sometimes abstains from speaking, *O'Callaghan* 6924, 6926-30.

Verona, Mr. See *Land Commissioners*.

W.

WALSH, REV. ROBERT. (Analysis of his Evidence.)—Is Incumbent of Malahide and Portmarnock, 6031—Owns estate in Clare, near Ballyvaughan, bought by his father (late Master of the Rolls), in Encumbered Estates Court in 1862; 6032-6, 6141-2—at a little over 20 years' purchase, 6063-4—The acreage is 1,276; the rental, at time of purchase, 309*l.* 17*s.* 6*d.*, and now 311*l.* 0*s.* 6*d.*, 6037-40—Griffith's valuation, 220*l.* 5*s.*; 6041—It is "Barren" land, viz., either crag pasture, used chiefly for sheep, or light arable over limestone, 6042-4, 6047-51—Holdings small, 6045—but 23 reduced to 19 to make them larger, without altering aggregate rent or taking fine, 6046, 6052-6—Outgoing tenants assisted, 6052—1,500*l.* spent by landlord in improvements, 6062—i.e., building, reclaiming, and fencing, 6037-61—Landlord did all permanent improvements, 6065—But not excluded from Act, as tenants were bound by written agreements to keep buildings in order, 6066-7—Rents well paid down to 1876; 6066-9—in 1879 tenants assisted by offer of 15 per cent. abatement, and by advance of seed potatoes and manure, 6070-2—Since then things have gone well except for "rot" in sheep last year, 6073-5.

District peaceful, and tenants truthful, before agitation began, 6076—Then (though two paid clandestinely, one half year, 6140)—there was a strike as to rent, 6076—and change in tone, 6109-10—Witness tried to make terms, and failed, 6076—He then issued ejectments, *ib.*—And tenants served notices, *ib.*

WALSH, REV. ROBERT. (Analysis of his Evidence)—continued.

ib.—9 out of 19 went into Court, and rent reduced by one-third, 6077-81; *App. F.*, 285—Reductions unjust, 6093.

Composition of Court unsatisfactory, 6093—Sub-Commissioners (names given) careful and courteous, but wanting in practical knowledge, 6090-3, 6100.

Valuer not employed by landlord, 6095—It is difficult to get one trustworthy, 6108—Tenants employed farmers, 8008-7—one of whom had valued this land for landlord 20 years ago, and now put it at one half of existing rent, but did not stay to be cross-examined, 6097-9—Landlord relied on his own story of the property, 6094—especially as to stock on farms in 1879; 6104—But this was counteracted by evidence of tenants, 6101-3, 6105—who managed to have very little stock at time of inspection, 6106-7.

Judicial rent a little below Griffith's valuation, 6081-3—which does not take important item of wool into consideration, 6087-8.

Tenant-right fixed by Court at rather over four years' judicial rent, 6083, 6085—Landlord had before allowed some tenants to create an interest in holdings, 6084.

Appeals lodged in five cases, 6086, 8111—The other four are small, and Chief Commissioners state that where their valuation (based chiefly on that of Court valuer) differs only slightly from that of Sub-Commission, they will uphold decision, 8114-24.

Agreements out of Court since attempted on basis of Griffith's valuation, 6136.

Land not mortgaged but charged with annuity, 6125-6—Witness would have acted differently had he known what was coming, 6127-8.

Arrears amount to two years' rent exclusive of hanging gale, 6129-32, 6137-9—Most could have paid each year, but have now spent the money, 6133, 6143-7—Tenant-right not available security, as agitation prevents free sale, 6134-5.

"*Winnipeg*," *The* Emigrant ship, complaints as to food upon, *Take* 7703-6.

Works, Board of. Loans from (1), for improving rough land, *Hopes* 5336-8—some reduction of instalments should now be allowed, *ib.* 5427—(2), for drainage; interest charged in part to tenants, *King-Harman* 7363.

WRIGHT, JOSEPH. (Analysis of his Evidence.)—*I.*, solicitor, landowner, and land agent in Monaghan, 6148-9—Agent, among others, for Mr. and Mrs. Henderson, 6150-2—For Mr. C., 6216-7—And for Mr. Kaine, 6234.

(1.) His own estate in Mayo, purchased of Church Temporalities Commission, for 700 *l.*; 6177-9—charged with outgoings of 78 *l.* 13 *s.* 6 *d.*; 6180-8—Rental valued some years since at 114 *l.*; 6187—Actual rental was 143 *l.* 5 *s.* 6 *d.*, punctually paid to 1879; 6189-90—but nothing paid since, 6191—Tenants all served notices, and cases heard, reducing rent to 100 *l.*; 6194-7—but judicial rent not paid, 6198-9, 6213-5—though nearly all could pay, 6200, 6208-7—Witness intends to bring ejectments, 6201—He has not appealed against decision, fixing expense, 6202—It will leave him hardly any margin when rates, &c., are paid, 6208-12—But at present he refuses to pay head rent, &c., in order that Church Commissioners may bring ejectment against him and under-tenants, 6192-3.

(2.) Mr. and Mrs. Henderson's estate is 312 acres; tenants, 16; rent, 253 *l.*; 6153-6—It was bought in Landed Estates Court in 1871 for 8,000 *l.*; 6157-8—Rent unchanged for 40 years, 6159-61—Nearly all tenants served notices, and about five cases heard, 6162-3—reducing rent from 67 *l.* to 50 *l.*, Griffith's valuation being 48 *l.*; 6164-7, 6203-5; *App. G.*, 286—No question about improvements, 6168-72—No reason given for judgment, 6173—Name of legal Sub-Commissioner given 6174-6—Estate not mortgaged, 6204.

(3.) Mr. C.'s estate has rental of 1,856 *l.*, and 115 tenants, 6216-9—Rents low, 6233—Outgoings 1,679 *l.*; 6220-1—Including interest at 4½ per cent. on mortgage for 17,500 *l.* in hands of Church Body, 6228-30, 6277—and jointures which would suffer first in case of deficit, 6231-2—Nearly all tenants have served notices; four cases heard, reducing rent 20 per cent., 6223-5—At this rate margin of 176 *l.* would become deficit of 200 *l.*; 6222, 6226-8.

(4.) Mr. Kaine has 98 tenants and rental of 864 *l.*, about 6 per cent. above Griffith's valuation, 6234-6—He offered to sell to tenants, lending one-fourth, and undertaking that their outgoings should not be increased, 6237-8, 6241-5—They all refused except one or two, who said they might give 13 or 14 years' purchase, 6239, 6246-7—all expecting further legislation, 6240—Similar unsuccessful attempt by Lord Rathsmell, 6248-50.

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(5.) Generally

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WRIGHT, JOSEPH. (Analysis of his Evidence)—*continued*.

(5.) Generally, block in Court causes expense, especially as to valuers, 627*t*.

Court apparently act on principle of striking a mean between the two valuers, and of always reducing more or less, 6284-7.

Effect of Act to demoralise tenants, 6251—Doubt whether they will pay better than before, 6255—Many landlords ruined, 6267, 6269—whose properties are often heavily charged, 6266-7—Instances given (a) where income of 4,500 *l* was reduced by charges to 600 *l*. net; several reductions made by Court, and if all are similarly reduced margin will disappear, 6257-63; (b) where, on income of 14,000 *l*, outgoings are over 6,000 *l*; 6264-6—Land now unsaleable, 6268—Suggestion that State should buy it on fair terms, and re-sell to tenants, 6270-6.

Arrears not general; but some owe, at least, two years' rent, 6278-80—Some could pay, others could have done so, but have spent the money, 6281-3—Prospect of Arrears Bill stops payment, 6251-4.

Wynne, Mr. Rector of Killarney; successfully emigrated girls to Canada, *Foster* 7602-4; *App. O.*, 30*t*.